

Item No.178

In The High Court At Calcutta
Constitutional Writ Jurisdiction
(via video conference)

23.02.2021
Ct-24

W.P.A.22064 of 2018
Prem Kumar Kahar
v
State of West Bengal & Ors.

Mr. Subir Hazra
Ms. Srishti Singh
... for the petitioner.

Mr. Jahar Lal De
Mr. Shamim ul Bari
... for the State.

IA. CAN/1/2020 (Old No. CAN-2618 of 2020)

The petitioner prays for recalling the order dated June 19, 2019 dismissing the writ petition for default. Though, the application for recalling/restoration of the writ petition is not worded properly, the learned advocate appearing for the petitioner submits that the delay in filing the application for recalling is not attributed to the petitioner. The learned advocate-on-record of the petitioner was suffering from illness and accordingly steps could not be taken for filing the restoration application in proper time. In view of such submission the order dated June 19, 2019 stands

recalled. WPA 22064 of 2018 is restored to its original file and number.

IA. CAN/1/2020 (Old No. CAN-2618 of 2020) stands allowed.

W.P.A.22064 of 2018

The father of the petitioner was working as a pump operator in the PWD wing of the Naihati Municipality. He died-in-harness on December 21, 2014. The petitioner has averred in the writ petition that his father was the only earning member of the family.

After his death the widow made an application on January 8, 2015 for providing employment to a family member of the deceased employee. Further reminder was given by the widow on June 12, 2015 and again on June 17, 2017.

The petitioner himself made an application for providing appointment in the died-in-harness category on 5th July, 2017. The petitioner alleges that none of the applications have been taken up for consideration by the Municipality till date.

None appears on behalf of the Naihati Municipality.

As it appears that the application for appointment on compassionate ground is pending consideration at the end of the Municipality, no useful purpose will be served by keeping the writ petition pending.

The writ petition is accordingly disposed of by directing the Naihati Municipality to take steps for consideration of the application made by the heir of the deceased employee for providing employment on compassionate ground, strictly in accordance with law, within a period of four months from the date of communication of a copy of this order.

The Municipality shall pass a reasoned order and communicate the same to the respective parties immediately thereafter. The Municipality shall afford an opportunity of hearing to the heirs of the deceased employee for production of necessary documents in support of their claim for being appointed on compassionate ground.

It is made clear that this Court has not gone into the merits of the claim of the petitioner and all points are left open to be decided by the said respondent at the time of consideration of the application of the heirs of the deceased employee.

WPA 22064 of 2018 stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

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(**Amrita Sinha, J.**)