

**11.12.2019**

rpan/05

Ct. No.01

**CALCUTTA HIGH COURT**

*In the Circuit Bench at Jalpaiguri*

**WPA 772 of 2019**

***Sikha Barman***

***-Vs-***

***The State of West Bengal & Others***

Mr. Partha Pratim Sarkar

.... for the petitioner.

Mr. Bikramaditya Ghosh,

Mr. Ankan Mitra

.... for the State respondents.

Affidavit of service filed by the petitioner be kept on record.

Mr. Sarkar, learned advocate appearing for the petitioner submits that the petitioner's father, namely, Judhisthir Barman died-in-harness on 5<sup>th</sup> April, 2018, while working in a Group – 'D' post under Jamaldaha Gram Panchayat, leaving behind his widow and two daughters, namely, Sikha Barman, being the petitioner herein and Sonali Barman. To tide over the financial distress suffered by the family due to the loss of the sole bread earner, the petitioner submitted repeated representations to the authorities for grant of compassionate appointment. The last of such representation was submitted to the respondent no.3 on 18<sup>th</sup> September, 2018. However, the same has not been considered and aggrieved by such inaction the petitioner

has approached this Court. He, however, informs this Court that the petitioner is a married daughter of the deceased and she is having a 3-year old child. Her husband is also a cultivator. In spite of her marriage, the petitioner was dependent upon the income of her deceased father and since the death of her father, she is looking after her mother also and as such, she is in desperate need of a source of income. The petitioner's claim cannot be rejected on the sole ground of being a married daughter.

Mr. Ghosh, learned advocate appearing for the State respondents denies and disputes the contention of the petitioner.

The petitioner's application for grant of compassionate appointment cannot be solely rejected on the ground that she is a married daughter of the deceased. For grant of compassionate appointment it primarily needs to be ascertained as to whether the petitioner was dependent upon her father's income.

In view thereof, no useful purpose will be served by keeping the writ petition pending and the issue needs to be relegated to the competent authority.

Accordingly, this Court directs the respondent no.3 to consider the representation submitted by the petitioner on 18<sup>th</sup> September, 2018, upon granting an opportunity of hearing to the petitioner and to take a decision, in accordance with law and to communicate

the same to the petitioner within a period of six weeks from the date of communication of this order.

With the aforesaid observation and direction, the writ petition is disposed of.

As the writ petition has been disposed of without inviting affidavits, the allegations levelled in the same shall be deemed to have been denied by the respondents.

There shall however be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the learned advocates for the parties.

**(Tapabrata Chakraborty, J.)**