

15.09.2020.
Item no. 11.
Court No.13
ap

**W.P.A. No. 6785 (W) of 2020
With
CAN 1 of 2020 [Old No. CAN 5734 of 2020]
(Through Video Conference)**

**Payel Bhattacharya
Versus
The Kolkata Municipal Corporation & Ors.**

Mr. Raghunath Chakraborty,
Ms. Amrita De.

...For the petitioner.

Mr. Alok Kumar Ghosh,
Mr. Swapan Kumar Debnath.

...For the KMC.

Considering the urgency pleaded by the petitioner in CAN 5734 of 2020, the instant writ petition is taken up for hearing via video conference.

Accordingly the application being CAN 5734 of 2020 is also disposed of.

The writ petitioner had applied for compassionate employment through her mother, Kakali Bhattacharjee upon the death of her father, Pradip Bhattacharjee, Ex-Khalashi with the Kolkata Municipal Corporation.

The application was rejected by a communication dated 6th February, 2016 on the ground that the relevant Circular dated 17th January, 2009 did not provide for compassionate employment to a married daughter.

The petitioner's mother, namely, Kakali Bhattacharjee was, however, stated to have been entitled to compassionate appointment.

The petitioner did not pursue the matter any further and accepted the order dated 6th February, 2016 as stated hereinabove. In 2018 the petitioner once again made an application for compassionate employment, what according to her, were changed circumstances. Such circumstance being divorce with her husband.

What is evident and clear to this Court is that the order dated 6th February, 2016 was never challenged before Court. It also proves that the family was not in destitution and was able to survive comfortably.

A mere statement by the Kolkata Municipal Corporation that the petitioner's application cannot be considered 'at present' and cannot create any right in her favour.

This Court is conscious of the views of a Special Bench of this Court that a married daughter is equally entitled to compassionate employment but the same is subject to criteria. Once such criteria being that the family must be in absolute destitution since after the death of the deceased employee.

It is clear from the above fact that the family of the deceased survived comfortably until 2018 for

which reason the order dated 6th February, 2016 was never challenged any further.

For the reasons stated hereinabove, the instant writ petition must fail and is hereby dismissed.

There will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied expeditiously after complying with all necessary legal formalities.

(*Rajasekhar Mantha, J.*)