

Ct. 09.10
No. 24
2020

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W.P.A. 25640 of 2018

**With
C.A.N. 1 of 2020
(Through Video Conference)
Saraswati Saha
-Versus-
West Bengal State Electricity
Distribution Co. Ltd. & Ors.**

**Mr. Debabrata Saha Roy
Mr. Indranath Mitra
Mr. Subhankar Das
Mr. Neil Basu
Mr. Rahul Gupta**

...For the Petitioner

Mr. S.S. Koley

**...For the Respondents
WBSEDCL**

In view of the urgency, the matter is taken up for hearing. The application being CAN 1 of 2020 is disposed of.

This is an application under Article 226 of the Constitution of India wherein the writ petitioner has assailed an order dated August 07, 2018 rejecting the application for compassionate appointment of the petitioner on the ground that she is a married daughter of the deceased employee.

The issue with regard to a married daughter being eligible for compassionate appointment has been dealt with in great detail by a Full Bench decision in the case of *State of West Bengal & Ors. Vs. Purnima Das*, reported in 2017 (4) CHN 362. The Special Leave Petition against the decision of the Full Bench was subsequently dismissed by the Hon'ble Apex Court.

In my view, any rule of any authority with regard to compassionate appointment that disallows a married daughter is covered by the said decision of *Purnima Das (Supra)*.

I have heard the learned Counsel appearing on

behalf of both the parties and perused the materials placed on record.

I am of the view that there is no need to keep this writ petition pending and for exchange of affidavits, as the facts are not in dispute.

In the light of the above, the order impugned is quashed and the authority concerned is directed to grant an opportunity of hearing to the petitioner and thereafter pass a reasoned order on the aforesaid issue keeping in mind the Full Bench decision in the case of *Purnima Das (Supra)* within a period of six weeks from the date of communication of this order. It is to be noted that the criteria that has to be looked into for deciding the issue whether the married daughter is eligible for compassionate appointment is dependency of the married daughter upon the deceased (see: *Purnima Das (Supra)*).

The reasoned order shall also be communicated to petitioner within a week from the date of passing the same.

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

Since, no affidavit-in-opposition has been called for, the allegations made in the writ petition are deemed to have not been admitted by the respondents.

There will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties, on priority basis.

(Shekhar B. Saraf, J.)

