

08.04.2021
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RP Ct.04

FMA 1745 of 2019
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IA No.CAN 1 of 2019 (Old No.CAN 1110 of 2019)
West Bengal State Electricity Distribution Company Limited &
Ors.
Versus
Rina Manna (Dey) & Anr.

Mr. Rammohan Chattopadhyay

.... For applicants/appellants

Mr. Kazi Sajjad Alam

.... For respondents

CAN 1110 of 2019 is application for stay of operation of order dated 5th October, 2018, by which there were directions on the writ petition, disposing of it. Mr. Chattopadhyay, learned advocate appears on behalf of applicant and submits, impugned order is erroneous and should be set aside. Respondent/writ petitioner is married sister of the deceased employee and under Recruitment Policy, 2010 of his client, she cannot be considered for compassionate appointment. He refers to paragraph 6 in the policy regarding employment on compassionate ground. Clause (g) in the paragraph says as follows:-

“None other than the spouse, son(s) and unmarried daughter(s) who were fully dependent on the deceased/ permanently incapacitated employee shall be considered as a dependant of such employee for this purpose. Any exception to this condition, if necessary in any deserving case, may be made by the CMD only on consideration of the fact and circumstances of such particular case(s).”

Mr. Alam, learned advocate appears on behalf of respondent/writ petitioner and submits, there should not be any interference since by impugned order appellants have been directed to consider claim of his client and pass reasoned order.

Parties are before Court and the appeal itself can be dealt with. Learned advocates appearing on their behalf consent to all formalities being dispensed with, including requirement of service of notice of appeal.

The clause is clear. 'Sister' does not find mention in the clause in the policy regarding employment on compassionate ground, let alone married sister. On marriage, dependency changes but that could have mattered if 'sister' found mentioned in the policy. The policy has not been challenged. As such, we do not see that respondent/writ petitioner has claim under the policy.

Impugned order is set aside and the writ petition, dismissed. The appeal is allowed and the application is accordingly disposed of.

(Arindam Sinha, J.)

(Suvra Ghosh, J)

