

S/L 517
07.09.2021
Court. No. 19
GB

WPA 5006 of 2021

Debasish Badyakar
Vs.
The State of West Bengal & Ors.

(Through Video Conference)

Mr. Partha Sarkar.

...for the Petitioner.

Mr. Sandipan Banerjee.

...for the Durgapur Municipal Corporation.

*Mr. Biswabrata Basu Mallick,
Mr. Sayan Ganguly.*

...for the State.

Affidavit-of-service is taken on record.

The petitioner seeks compassionate appointment in Durgapur Municipal Corporation. The contention of the petitioner is that father of the petitioner, who was working as a Mazdoor in a group-D post under the corporation, died-in-harness on April 8, 2007. The petitioner made an application immediately after the demise of his father for compassionate appointment. The municipal corporation did not grant such compassionate appointment as there was no vacancy.

It is submitted by Mr. Sarkar, learned Advocate for the petitioner, that 135 posts have been created for appointment in the corporation and the petitioner should be accommodated against once of such posts.

Mr. Basu Mallick, learned Advocate appearing for the State-respondents, submits that compassionate appointment is not a matter of right and it is given to a members of the

family of the deceased to tide over the immediate financial hardship. In this case, fifteen years have passed and the situation does not warrant grant of compassionate appointment.

Mr. Banerjee, learned Advocate for the Durgapur Municipal Corporation, reiterates the arguments of Mr. Basu Mallick and submits that the Durgapur Municipal Corporation has not adopted any policy and has not floated any scheme for giving compassionate appointment to the dependants of deceased employees.

Mr. Sarkar submits that the contention of Mr. Banerjee is not acceptable in view of the fact that other municipalities have adopted such schemes.

Be that as it may, these are the disputed questions of facts. Compassionate appointment is not a matter of right and it is given to a member of the family of a deceased to tide over the financial crisis. It appears that the petitioner has not made any application in the prescribed form for compassionate appointment along with supporting documents. The petitioner has made representations to the Commissioner of Durgapur Municipal Corporation. The same shall be considered and disposed of in accordance with law upon hearing the petitioner. A reasoned order shall be passed and communicated to the petitioner.

The entire exercise shall be completed within a period of six weeks from the date of communication of this order.

This writ petition is, thus, disposed of.

There will be, however, no order as to costs.

All parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)