

17.09.2021
Sl. No.38
cp

W.P.A. No. 6886 of 2021

**Smt. Amita Hazra
Vs.
The State of West Bengal & Ors.**

Mr. Partha Sarkar,
Mr. Abhijit Basu

...for the Petitioner.

Mr. Pinaki Dhole
Mr. Abhishek Prasad

...for the State.

Mr. Sandipan Banerjee

...for the Durgapur Municipal Corporation.

Affidavit-of-service is taken on record.

The petitioner seeks compassionate appointment in Durgapur Municipal Corporation. The contention of the petitioner is that the husband of the petitioner, who was working as a helper in a Group-D post under the corporation, died-in-harness on March 06, 2011. The petitioner made an application immediately after the demise of her husband 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. Dhole, 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, 10 years have passed and the situation does not require compassionate appointment to be given to the petitioner.

Mr. Banerjee, learned Advocate for the Durgapur Municipal Corporation, reiterates the arguments of Mr. Dhole 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.)