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16.08.2021
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE
(Via Video Conference)

WPA 7612 of 2021

Supriya Biswas & Anr.
Vs.
Union of India & Ors.

Mr. Kishore Mukherjee,
Mr. Sankha Subhra Ray
... For the petitioners.

Mr. Subhash Chandra Sarkar,
.... For the respondent no.1.

Mr. Sounabho Ghosh,
Mr. Rishav Dutt,
Mr. Soumalya Ganguly
.... For the respondent no.2.

The petitioners no. 1 and 2 are respectively the son and the wife of one Gokul Chandra Biswas, a former employee of the respondent no.2. The said Gokul Chandra Biswas died-in-harness on 25th August, 2016. The petitioner no.2 had applied for compassionate appointment to be given to the petitioner no.1. The respondent no.2, by a memo dated 2nd September, 2020 had sent a proforma to the petitioner no. 1 with a request to submit the same after filling in all details on or before 7th September, 2020. The petitioner no.1 says that he has submitted the duly filled in proforma on or before 7th September, 2020 but the same is yet to be considered for giving any appointment.

It is now well-settled that compassionate appointment is given on the basis of the policy of the employer and the same cannot be demanded as a right. No mandatory order directing compassionate appointment can be given ignoring the policy for the same, if any, of the employer.

After hearing the parties and considering the materials on record, I only direct the respondent no.2 to consider the filled in proforma of the petitioner, if the same is in order in all respects for his recommendation for appointment, as expeditiously as possible but not beyond eight weeks from date, in accordance with law. If the filled in proforma is not in order the respondent no.2 shall immediately intimate the petitioner about the same.

Nothing further remains to be adjudicated in the writ petition and the same is accordingly disposed of without any order as to costs.

Since I have not called for any affidavits, the allegations contained in the writ petition are deemed to have not been admitted by the respondents.

Urgent photostat certified copy of this order, if applied for, is to be given to the parties upon compliance with the necessary formalities.

(Arindam Mukherjee, J.)

