

17.08.2021
Sl. No.29
(PP)

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

WPA 9418 of 2021

Nisith Mondal & Anr.
Vs.
The Birbhum District Central
Co-operative Bank Ltd. & Ors.

Mr. Kishore Mukherjee
....for the petitioners.

Mr. Saikat Chatterjee
....for the respondent nos.1 & 4.

Affidavit of service filed in Court today is taken on record.

The petitioners are the respectively the son and wife of one Netai Chandra Mondal, a former employee of the Birbhum District Central Co-operative Bank Limited at Rampurhat Branch, who died-in-harness on 26th August, 2014. The petitioners had applied for compassionate appointment to be given to petitioner no.1. The petitioners say that their application and subsequent representations have remained undecided despite passage of a considerable period of time. The petitioners are, therefor, seeking consideration of the candidature of the petitioner no.1 for appointment on compassionate ground.

It is now well-settled that compassionate appointment can be given only in terms of the policy

of the employer, if any. Compassionate appointment cannot be claimed as a matter of right.

Since the petitioners are seeking consideration of the candidature of the petitioner no.1 for compassionate appointment, the writ petition is disposed of by directing the respondent no.1 to consider the petitioner's application in accordance with the policy of the respondent no.1, if any, for compassionate appointment in case of death of an employee in-harness. Since the respondent no.1 is represented, no further notice is required to be given to the said respondent in this regard. The petitioner's representation forming part of the writ petition shall be considered by the Competent Authority of the respondent no.1 authorised to do so within a period of eight weeks from the date of communication of this order.

The parties including the Competent Authority of the respondent no.1 shall act on the basis of a server copy of this order without insisting upon production of a certified copy thereof.

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

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

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

(Arindam Mukherjee, J.)