

01.07.2021
Sl. No.15
srm

W.P.A. No. 10640 of 2021

Sk. Irsad

Vs.

The State of West Bengal & Ors.

Mr. Sufi Kamal

...for the Petitioner.

Mr. Baidurya Ghosal

...for the Bank.

The writ petition has been filed by the son of a deceased employee of Bangiya Gramin Vikash Bank. It is the contention of the petitioner that the order dated March 19, 2021 issued by the Chief Manager (HR) of Bangiya Gramin Vikash Bank is not in accordance with the scheme for compassionate appointment. Reliance is placed on clauses 2 and 5 of the scheme for appointment on compassionate ground, which is at page 30 to the writ petition.

Mr. Ghosal submits that the reason assigned in the order impugned is perfectly justified. If the son is married, the presumption is that he was not dependant on the income of the deceased father.

I have considered the ground for rejection of the petitioner's case for compassionate appointment. The prayer for compassionate appointment was rejected on the ground that the petitioner was a married son and thus was not wholly dependant on the father. The scheme does not debar a married son from getting compassionate appointment. The scheme

allows compassionate appointment in case of a dependant son. The other eligibility criteria are that family should be in an indigent condition and in need of immediate succour for the financial loss suffered on account of demise of the employee.

Under such circumstances, the order dated March 19, 2021 is set aside on the ground that the order is cryptic, without reasons and the financial condition of the family and the eligibility criteria in terms of clause 2 and clause 5 of the same scheme was not considered vis-à-vis the claim of the petitioner.

The Chief Manager, Bangiya Gramin Vikash Bank, the respondent No.2 herein, shall consider the application for compassionate appointment of the petitioner, in terms of the clauses 2 and 5 of the scheme, upon hearing the petitioner and upon considering the financial condition of the family of the deceased employee. The reasoned order should be passed and communicated to the petitioner within a period of eight weeks from the date of communication of this order.

This Court is not going into the merits of the claim of the petitioner and all points are kept open.

Since no affidavit-in-opposition has been called for, the allegations made in this writ petition are deemed to have been denied.

The 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.)