

08th December,
2021

WPA 23995 of 2012

(Through Video Conference)

(30)
(BD)

Sri Asim Das
-vs-
State of West Bengal & Ors.

Mr. Saibal Acharya
Mr. Subrata Bhattacharya
... for the Petitioner.

Mr. Tapas Kumar Ghosh
Mr. Tanmoy Chowdhury
... for the respondent nos.
4 and 5.

Writ petitioner's father was an employee of Hooghly-Chinsurah Municipality, District- Hooghly, and who died in harness on 25th March, 2007. After the untimely demise of the said employee, his son, the writ petitioner herein, applied for appointment on compassionate ground to the concerned respondent authorities on 10th April, 2007.

The grievance of the writ petitioner is that though the prayer of the writ petitioner for appointment on compassionate ground was duly recommended by the concerned authority of Hooghly-Chinsurah Municipality till date the same has not been finally decided by the Director of Local Bodies, Government of West Bengal. The writ petitioner prays for expeditious disposal of the application for appointment on compassionate ground which he made just after the death of his father and since the same was duly recommended by the concerned Municipality.

Mr. Tapas Kumar Ghosh, learned advocate, appears on behalf of Hooghly-Chinsurah Municipality, has brought to the notice of this Court the

recommendation letter dated 19th July, 2010 issued under Memo No. 3962/ G-TM wherefrom it appears that in paragraph 4 of the said memo the case of the writ petitioner for appointment on compassionate ground was recommended by the Chairman, Hooghly-Chinsurah Municipality far back on 19th July, 2010 and according to the submission made on behalf of the said Municipality the issue is remaining pending before the Director of Local Bodies, Government of West Bengal.

This Court has considered the submissions made by the learned advocates for the writ petitioner and the Municipality. The State respondents remain unrepresented before this Court today during the course of hearing.

In view of the fact that an application was made by the writ petitioner which is just after the death of his father on 10th April, 2007 and subsequently the claim for appointment on compassionate ground was recommended by the Chairman, Hooghly-Chinsurah Municipality by issuing the Memo dated 19th July, 2010, the issue needs to be finally decided by the Director of Local Bodies, respondent no. 2. It also appears that the writ petitioner has made a representation addressed to the respondent no. 2 on 27th June, 2012 praying for appointment on compassionate ground and in the said representation certain references were given where favourable consideration was made for appointment of the candidates who secured job under the scheme relating to appointment on compassionate ground.

Accordingly, the Director of Local Bodies, Government of West Bengal, respondent no. 2, is

directed to take a final decision on the representation of the writ petitioner on 27th June, 2012 page 21 of the writ petition, within a period of twelve (12) weeks from the date of communication of this order after granting an opportunity of hearing to the writ petitioner and Hooghly-Chinsurah Municipal Authority. The respondent no. 2 is also directed to take into account the recommendation Memo dated 19th July, 2010 issued by the Chairman of the Hooghly-Chinsurah Municipality at the time of consideration of the prayer of the writ petitioner. The decision to be taken by the respondent no. 2 shall be communicated to the writ petitioner within a period of two weeks thereafter.

With the above direction the writ petition being WPA 23995 of 2012 is disposed of. There shall be no order as to costs. The Memo dated 19th July, 2010 handed over by the learned advocate representing the Municipality is taken on record.

Urgent Photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)