

18-01.2021
Court No.3
Sh/20.

**CIRCUIT BENCH OF
CALCUTTA HIGH COURT
AT JALPAIGURI
WRIT APPELLATE JURISDICTION
APPELLATE SIDE**

W.P.A. 01 of 2021

In Re: Nirmal Sarkar. Petitioner..

Mr. Debjit Kundu.
... For the Petitioner.
Mr. Subir Kr. Saha,
Mr. Momenur Rahaman.
. . For the State.

This writ petition is at the instance of the Home Guard volunteer who has been medically incapacitated after suffering heart attack in the month of May, 2015. It is further contention of the writ petitioner that by the Medical Board constituted for examination of the employees of the Home department on 17th February, 2017, declared the petitioner being permanently incapacitated due to heart attack. It is also the case of the writ petitioner that in terms of the Circular/letter No. 1/10/GENL/97-9/2010 dated June 7, 2010 issued by the Director General and Commandant General, Home Guards, West Bengal, one of the eligible members of the family of the Home Guard, who has been declared permanently incapacitated, is entitled to get his name enrolled in the Home Guard Organization for appointment on compassionate ground, provided the employees concerned was incapacitated two years before his date of superannuation.

During the course of hearing of this writ petition learned advocate representing the writ petitioner submitted that in terms of paragraph 3 of the said Circular dated June 7, 2010 the lump sum payment has been made to him but in addition thereto in terms of the said paragraph one of the sons of the writ petitioner is entitled to get enrolled for appointment on compassionate ground.

The petitioner upon placing reliance on this Circular dated June 7, 2010 made representations dated 26th February, 2019 for favourable consideration of his prayer, which is still pending before the concerned respondent authorities.

In view of the above facts and circumstances, the Superintendent of Police (Home Guards), Jalpaiguri, being the respondent no.3, is directed to take a decision on the prayer made by the writ petitioner for enrolling the name of one of his sons for appointment on compassionate ground in terms of the said Circular dated June 7, 2010 within a period of eight weeks from the date of communication of this order by either of the parties.

It is made clear that if the prayer of the writ petitioner is spurned in that event adequate reasons to be assigned in favour of such decision. The decision taken in terms of this order is to be communicated to the petitioner within a period of two weeks from the date of taking such decision.

Accordingly, the writ petition stands disposed of.

Since no affidavit is used on behalf of the respondents, the allegations made in the writ petition shall be deemed not to have been admitted.

Urgent Photostat certified copy of this order if applied for, be supplied to the learned advocates appearing for the parties on compliance of all formalities.

(SAUGATA BHATTACHARYYA, J.)