

**In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

WPA 130 of 2022

**Sri Gopal Das
- vs -
The State of West Bengal & Ors.
(Via Video Conference)**

Mr. Kamal Kanta Kar

.... For the petitioner

Ms. Chaitali Bhattacharya,
Ms. Sanjukta Samanta

.... For the State

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

The petitioner is the son of Gurupada Das and a State Government employee. The said Gurupada Das while serving at Kuemeri Irrigation Sub-division under Joynagar Irrigation Department died in harness on 26th October, 2009 . The said Gurupada Das according to the petitioner left behind his wife Smt. Kalpana Das and the petitioner as his legal heirs and /or representative. The petitioner has made a representation on 27th November, 2018 for granting a job to the petitioner under compassionate appointment category which according to the petitioner has not been disposed of.

On behalf of the respondents , it is submitted that the petitioner's father died on 26th October, 2009, a previous

application for compassionate appointment was made by the petitioner's mother being the wife of the deceased employee. In the said application by the wife of the deceased there were certain discrepancies as to the educational qualification of the wife and as such the same was kept pending. The subsequent application by the petitioner made on 27th November, 2018 has been rejected.

Compassionate appointment is given not as a matter of right but in terms of the policy in vogue of the employer to assist the bereaved family to tide over the sudden financial crisis arising out of the death of the bread earners in the family. By a catena of judgment the legal position as to the grant of compassionate appointment and the parameters to be considered for the same has now been settled.

In the aforesaid facts and circumstance, I find justice will be sub-served if the petitioner's representation is considered afresh by the respondent no 2 and disposed of by a reasoned order within a period of three months from date after affording the petitioner a reasonable opportunity to represent his case. The reasoned order shall be communicated to the petitioner immediately on the same being passed.

I have not gone into the merits of the case. All points are kept open and the respondent no. 2 shall be free to take his own decision without being influenced in

any manner by the instant order.

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, upon compliance of necessary formalities.

(Arindam Mukherjee, J.)