

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 1495 of 2020

Moumita Mondal
Vs.
The State of West Bengal & Ors.

Mr. Moniruzzaman
... For the petitioner

Mr. Manas Kumar Kundu
... For the State

Ms. Sutapa Sanyal
Mr. Debrup Bhattacharjee
Mr. Pradeep Kumar Tulsyan
... For the respondents no.2

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

The petitioner's father was an employee in Katwa Regulated Market Committee. The petitioner's father died-in-harness on 14th March, 2018. The petitioner, a married daughter of the deceased employee, had made an application to the employer on 17th April, 2018 for employment on compassionate ground. Two subsequent reminders were given respectively on 3rd May, 2018 and 16th September, 2019. The petitioner says that despite such application and reminders, the respondent employer has not considered the petitioner's prayer for appointment on compassionate ground.

Appointment on compassionate ground as is now well settled is not a matter of right. It is an exception culled

out of the applications of the provision of Article 14 of the Constitution of India to enable a bereaved family to overcome the sudden financial crisis that may have been encountered by the said family on the loss of the sole bread-earner. The prayer for appointment on compassionate ground is considered as per the scheme, if any, of the employer in granting the same. It, prima facie, appears that there is a prevailing scheme for granting appointment on compassionate ground in the employer concern. However, the petitioner is required to fulfil all the eligibility criteria as specified in the scheme for appointment on compassionate ground.

In the aforesaid facts and circumstances, without going into the merits of the petitioner's claim for appointment on compassionate ground at this stage, I think the matter should be left to the employer concerned for considering the petitioner's application within a time-frame.

In the facts as aforesaid, I direct the respondent no.5, being the District Magistrate, Purba Bardhaman, and the Chairman, Purba Bardhaman Zilla Regulated Marketing Committee, to dispose of the petitioner's application for appointment on compassionate ground received by the office of the respondent no.5 on 17th April, 2018 (appearing at page 31 of the writ petition) and all other subsequent applications in this regard by a reasoned order after affording the petitioner an opportunity to represent, within six months from date.

The respondent no.5 shall decide the petitioner's application strictly in accordance with the scheme and the prevailing law independently without being anyway influenced by the observations made in this order. The reasoned order shall be communicated to the petitioner within a period of a fortnight from the date of the same being passed.

The parties, including the respondent no.5, shall act on the basis of a server copy of this order without insisting upon production of a certified copy thereof.

By way of abundant caution, the petitioner shall, within ten days from date, serve a copy of the instant order along with a copy of the writ petition to the respondent no.5.

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.

Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

(Arindam Mukherjee, J.)