

15.03.2022
Sl. No.15
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE
(Via Video Conference)

WPA 3228 of 2022

Sanjit Halder & Anr.
Vs.
Union of India & Ors.

Mr. Satyajit Mandal,
Mr. Amar Nath Sen,
Mr. Malay Dhar,
Mr. Pranab Kumar Ghosh
....for the petitioners.

Mr. Devajyoti Barman,
Ms. Sanjukta Basu Mallick
....for the respondent nos.2-5.

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

The petitioner nos.1 and 2 are respectively the son and the widow of an employee of Food Corporation of India (in short FCI), who died-in-harness on 25th February, 2013. The petitioner no.2 made an application for compassionate appointment of the petitioner no.1. This application was forwarded by the Depo-in-Charge, FCI, FSD, Raiganj, Uttar Dinajpur to the Area Manager, FCI, Balurghat on 1st June, 2013. After scrutinising the application, by a letter dated 4th January, 2018, the petitioner no.2 was asked to submit certain documents. Again, by a letter dated 6th February, 2018, the Manager, FCI,

Balurghat sought for documents from the petitioner no.2. The petitioners say that the requisite documents were submitted on 4th February, 2018. Since then, no steps have been taken by FCI to further process the application for compassionate appointment in favour of the petitioner no.1. The petitioner no.2 made a representation on 7th December, 2021. The petitioners say that the said representation is yet to be considered and disposed of.

Compassionate appointment, as it is now settled, is not a matter of right. It is given on the basis of a policy, if any, of the employer.

Although the death of the employee had occurred in 2013 and the petitioners have approached this Court on 21st February, 2022, but in view of the letters issued by FCI in 2018, I am inclined to hold that the delay in approaching this Court is not fatal.

In the aforesaid facts and circumstances, I direct the respondent no.4 to consider and dispose of the representation dated 7th December, 2021 made by the petitioner no.2 by a reasoned order after affording the petitioners an opportunity of hearing within a period of three months from date. The reasoned that may be passed shall be communicated to the petitioners

within ten days from the date of passing of the same. The respondent no.4 shall be free to take independent decision without being influenced in any manner by the instant order.

Parties, including the respondent no.4, are directed to act on the basis of a server copy of this order without insisting upon production of a certified copy thereof.

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.)