

28.11.2022
DL-93
(PP)
Ct.21

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 10028 of 2021

Santanu Pal @ Paul & Anr.
Vs.
Union of India & Ors.

Mr. Sobhan Majumder

....for the petitioners.

Mr. Indrajeet Dasgupta,
Ms. Rima Biswas

....for the respondents.

The second report on affidavit filed in Court today be retained with the records.

In this writ petition, the petitioner no.1 has prayed for appointment on compassionate ground. The petitioner no.1 is the son of the deceased employee. The petitioner no.2 is the wife of the deceased employee. The petitioner no.1's father worked under the Garrison Engineer, Panagarh Division Military Engineering Services, District – Purba Bardhaman. The petitioner no.1's father died on July 11, 2000. An application for compassionate appointment was initially made on December 12, 2000 and thereafter, the prayer was renewed on September 22, 2001. From time to time, the petitioners made applications for appointment of petitioner no.1 on compassionate ground. Rejection order was made on November 2, 2007 by the Director

(Pers & Legal). It was stated that since more deserving cases were available and also there were not sufficient number of vacancies, the petitioner no.1's case could not be considered. Thereafter, a subsequent rejection order was made on December 19, 2020 on the ground that there were more deserving cases within prescribed 5% vacancy of Direct Recruitment (DR) quota so the petitioner no.1's application for appointment on compassionate ground could not be considered.

Mr. Majumder, learned counsel appearing on behalf of the petitioners submits that no sufficient reasons have been given for rejection of their prayer as it has not been shown in the rejection order dated December 19, 2020 how the other candidates are held to be more deserving.

Mr. Dasgupta, learned counsel appearing on behalf of the respondent authorities files a second report on affidavit annexing the scheme for compassionate appointment that was prevalent on July 11, 2000, i.e. the date of death of the father of the petitioner and evidencing the reason for rejection of petitioner no.1's application.

Having considered the rival submissions of the parties and the materials placed on record, this Court holds that in case a fresh application is made by the

petitioner no.1 for consideration of his prayer for compassionate appointment after giving the necessary details as required by the respondent authorities, the same shall be considered as per the extant rules and the guidelines.

With the directions aforesaid, **WPA 10028 of 2021 is disposed of.**

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Hon'ble Court.

Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(Lapita Banerji, J.)