

28.11.2022
DL-94
(PP)
Ct.21

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 10029 of 2021

Sri Mahadeb @ Mahadev Ruidas
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 has prayed for appointment on compassionate ground. The petitioner is the son of the deceased employee. The petitioner's father worked under the Garrison Engineer, Panagarh Division, Military Engineering Services, District – Purba Bardhaman. The petitioner's father died on July 17, 1996. An application for compassionate appointment was initially made on October 14, 1996 and thereafter, the prayer was renewed on July 17, 1998. From time to time, the petitioner made applications for his appointment on compassionate ground. Rejection order was made on September 11, 2002 by the Chief Engineer. It was stated that since more deserving cases were available and also there were not sufficient

number of vacancies, the petitioner's case could not be considered. Thereafter, a subsequent rejection order was made on February 13, 2007 on the ground that there were more deserving cases within prescribed 5% vacancy of Direct Recruitment (DR) quota so the petitioner's application for appointment on compassionate ground could not be considered.

Mr. Majumder, learned counsel appearing on behalf of the petitioner submits that no sufficient reasons have been given for rejection of his prayer as it has not been shown in the rejection order dated February 13, 2007 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 17, 1996, i.e. the date of death of the father of the petitioner and evidencing the reason for rejection of petitioner'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 10029 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.)