

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 10481 of 2021

Sanjib Chakraborti

Vs.

The West Bengal State Electricity
Distribution Company Limited & Ors.

Mr. Mukteswar Maity
Mr. Sk. Akhtar Hossain
Mr. Samrat Choudhury
... For the petitioner

Mr. Srijan Nayak
Ms. Sonal Sinha
... For WBSEDCL

Mr. S.P. Tewary, led by
Mr. Soumya Majumdar
Mr. Avijit Tewary
... For the respondent no.6

Learned advocate on behalf of the respondent no.6 submits, on instruction, that his client is not agreeable to give 'no objection certificate' in favour of his younger brother – the petitioner – for seeking appointment on compassionate ground in West Bengal State Electricity Distribution Company Limited (in short "WBSEDCL") on the ground that the father of the petitioner and the respondent no.6 died-in-harness on 25th January, 2018.

Although the respondent no.6 has been shown as a dependent of Ahindra Nath Chakraborty, the deceased employee of WBSEDCL, but from the income tax returns annexed to the report filed by the respondent no.6 clearly

show that in the assessment year 2020–2021, the total income of the respondent no.6 was Rs.1,84,230/-. Similarly, for the assessment year 2019–2020, the total income of the respondent no.6 was Rs.1,66,750/- and for the assessment year 2018–2019, the total income of the respondent no.6 was Rs.1,56,360/-. That apart, from the Form 26AS disclosed by the respondent no.6, it appears that the said respondent no.6 has regular income from commission as an Insurance Agent.

Taking into account the three years income returns along with the Tax Deducted at Source (in short “TDS”) available from the 26AS Forms, it cannot be said that the respondent no.6 has no income to maintain him and his family which, according to him, comprises of himself, his wife and daughter. The respondent no.6 even if was a dependent of his father Ahindra Nath Chakraborty, who died-in-harness on 25th January, 2018, but, at the present, with his income reflected in the income tax returns, cannot be said to be any more dependent.

In the aforesaid facts and circumstances, when the respondent no.6 is declining to issue ‘no objection certificate’ in favour of his younger brother – the petitioner – and, inasmuch as, the mother and the sister of the petitioner and the respondent no.6 are agreeable to the petitioner seeking appointment on compassionate ground from WBSEDCL, WBSEDCL is directed to consider the petitioner’s application for compassionate appointment

without the 'no objection certificate' from the respondent no.6 or any objection raised from his side. The entire exercise shall be completed by WBSEDCL within three months from date.

Since WBSEDCL is represented, no further notice is required to be given to WBSEDCL and its officers. However, considering the petitioner's case for compassionate appointment, by way of abundant caution, the petitioner shall serve a copy of this order downloaded from the official website of this Court upon the respondents no.1, 2, 3 and 4.

All parties, including the respondents no.1 to 4, shall act on the basis of a server copy of this order duly downloaded from the official website of this Court 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.

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

(Arindam Mukherjee, J.)