

07.09.2022
Court No. 19
Item no.38
CP

W.P.A. No. 13278 of 2021

Ujjwal Bagdi

Vs.

The State of West Bengal & Ors.

Mr. Prosenjit Mukherjee
Mr. Saptarshi Chakraborty
Ms. Poulami Dutta
Ms. Tiyaasa Ghosh

...for the petitioner.

Mr. Lalit Mohan Mahata
Mr. P. B. Mahata

...for the State.

The petitioner applied for appointment on compassionate ground after the demise of his father. The father of the petitioner worked as a Chowkidar under the Daspalsa Gram Panchayat. The petitioner's father died in harness on November 6, 2012. The petitioner made an application in the prescribed form. The case of the petitioner was proposed by the Block Development Officer, Mayureswae – II Development Block to the District Panchayat & Rural Development Officer. The petitioner was enlisted at Sl. No. 902 and the Commissioner, Department of Panchayat and Rural Development, West Bengal had sent the proposal for appointment of the petitioner on compassionate

ground to the Joint Secretary to the Government of West Bengal, Department of Panchayat and Rural Development.

It appears that the District Panchayat & Rural Development Officer, Birbhum intimated the petitioner on March 20, 2020 that the said authority did not have any intimation about the fate of the petitioner's prayer for appointment on compassionate ground, although the petitioner's name was proposed for appointment.

Mr. Mahata, learned Additional Government Pleader, submits that the right of appointment under the died in harness category is not a vested right. Upon considering the eligibility of the petitioner and the documents in this regard, the proposal was sent for appointment of the petitioner and the name of the petitioner appeared at Sl. No. 902. Unless, the vacancy arises and the list is exhausted serially, the question of granting appointment to the petitioner would not arise.

However, as the petitioner has been waiting since 2014, he is entitled to know the fate of the proposal for his appointment.

Under such circumstances, the Joint Secretary to the Government of West Bengal, Department of Panchayat and Rural Development is directed to dispose of the representation of the petitioner dated

March 5, 2020 being Annexure P-7 to the writ petition, in accordance with law.

The petitioner shall be intimated about the status of the proposal. Whether the list has been exhausted serially or whether the persons above the petitioner in the list, are still waiting to be appointed, shall be intimated to the petitioner.

The entire exercise shall be completed within a period of four months from the date of communication of this order.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)