

23.03.2022
Court No. 19
Item no.12
CP

W.P.A. No. 13845 of 2021

Arabinda @ Arobinda Banerjee
Versus
The State of West Bengal & Ors.

Mr. Nabankur Paul

...for the petitioner.

Mr. Lalitmohan Mahata
Mr. Supratim Dhar

....for the State.

The petitioner is the brother of the respondent no. 6. Their father late Manik Banerjee, was a panchayat karmee attached to the Horisara Gram Panchayat. The said panchayat karmee died in harness sometime in 1995. In the year 1998 the respondent no. 6 applied for compassionate appointment. The prayer of the respondent no. 6 was not considered by the authority. Aggrieved, W.P. No. 7527(W) of 2003 was filed before this court.

By an order dated September 11, 2015, W.P. No.7527(W) of 2003 was disposed of. This court had directed the concerned respondents to dispose of the prayer made by the respondent no. 6, seeking compassionate appointment. Pursuant to the order of this court, the respondent no. 6 was asked to file the relevant documents in support of such application. It

is submitted that the documents were submitted but no steps were taken by the authority. Thus, the petitioner prays for compassionate appointment instead of the respondent No.6.

Mr. Mahata, learned senior government advocate, submits that the respondent no. 6 had failed to establish that the said respondent had the minimum educational qualification to be appointed on compassionate grounds. The educational certificates could not be verified. He further submits that there cannot be successive applications by each of the heirs of the deceased, after more than two decades have passed since the death. According to Mr. Mahata, the respondent no. 6 was not eligible for appointment and the petitioner cannot step into the shoes of the respondent no. 6 in 2021 and pray for compassionate appointment.

Compassionate appointment is an exception to the general rule of appointment. The said appointment is according to a scheme and the authorities are to strictly adhere to and follow such scheme in its letter and spirit. Moreover, such appointment is given to tide over the initial crisis that a family faces owing to the death of its bread-earner.

However, it appears that neither the petitioner nor the respondent no. 6 have been informed about the fate of their applications.

This writ petition is disposed of with a direction upon the respondent no. 3, i.e. the Block Development Officer and Executive Officer of Sainthia Panchayat Samity, to dispose of the representation of the petitioner dated August 17, 2021, in accordance with law. A reasoned order shall be passed and communicated to the petitioner.

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

A copy of the representation along with the server copy of this order, shall be served upon the Block Development Officer and Executive Officer of Panchayat Samity, Sainthia.

The writ petition is, thus, disposed of. There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)