

22.07.2022
DL - 17
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 15324 of 2022

Chandrani Mondal
Vs.
The State of West Bengal & Ors.

Ms. Shaila Afrin,
Mr. Dipanjan Chatterjee,
Mr. Rafat Jahan,
Mr. Md. Yusuf Ali

....for the petitioner.

Mr. Pinaki Dhole,
Mr. Saikat Chatterjee

...for the State.

Affidavit of service filed in Court today is taken
on record.

The petitioner says that her mother was a
Sahayak/Sahayika at Lakshmi Narayanpur Shishu
Shiksha Kendra (in short SSK), P. O.- Jibanti, P.S.-
Kandi, Dist.- Murshidabad. The petitioner's mother
died-in-harness on 5th July, 2021. The petitioner
claims to be an unmarried daughter of the deceased
employee and the dependent on her till her death.
The petitioner is seeking compassionate employment.
The petitioner says that she has made an application,
but the same has not been considered by the Block
Development Officer (in short BDO), Kandi Block,
Kandi, Murshidabad. There are also allegations made
in the writ petition against the said BDO.

Compassionate appointment is to be considered in the light of the scheme, if any, prevalent in the employer organisation at the time of death of the employee concerned. Compassionate appointment is not a matter of right but is granted as a solace to the bereaved family to tide over the crisis arising out of the death of the sole bread earner.

In the aforesaid facts and circumstances, I direct the petitioner to make a comprehensive representation before the Sub-Divisional Officer, Kandi, Murshidabad by 10th August, 2022.

In the event such application is made, the Sub-Divisional Officer, Kandi, Murshidabad after giving the petitioner an opportunity of hearing shall dispose of such representation of the petitioner for compassionate appointment by a reasoned order. The reasoned order shall be immediately communicated to the petitioner. Sub-Divisional Officer, Kandi, Murshidabad shall specifically deal the representation on the basis of the scheme, if any, existing on 5th July, 2021 when the petitioner's mother died, for grant of compassionate appointment and shall clearly state the grounds for rejection, if petitioner's application is ultimately rejected.

The entire exercise shall be completed by the Sub-Divisional Officer, Kandi, Murshidabad within three

months from the date of making the representation, if any.

All parties including the Sub-Divisional Officer, Kandi, Murshidabad shall act on the basis of a server copy of this order 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.

Since I have not called for any affidavits, allegations made in the writ petition are deemed to have not been admitted.

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

(Arindam Mukherjee, J.)