

28.11.2022
DL-13
(PP)
Ct.21

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 24380 of 2022

Rajmohan Mahato
Vs.
The State of West Bengal & Ors.

Mr. Arunava Pati,
Mr. S. C. Dhara,
Mr. Nitish Samanta
....for the petitioner.

Mr. Asish Kumar Guha,
Mr. Naren Ghosh Dostoidar
....for the State.

Mr. Sanjoy Saha,
Mr. Subhasish Bhattacharya
....for the respondent nos.3 & 4/WBMDTCL.

Affidavit of service filed in Court be retained
with the records.

The petitioner's father worked as a Senior Attendant in Beldih Apatite Mines, District – Purulia. The said mines is under the West Bengal Mineral Development and Trading Corporation Limited (in short, "WBMDTCL"). The petitioner's father died-in-harness on April 20, 2015. After the death of the petitioner's father several representations were made for being appointed on compassionate ground. By an Office Memo dated March 29, 2016, the OSD & GM (HRD) recommended the hearing for employment on compassionate ground of certain applicants. The petitioner's application was also being considered. Thereafter, by a letter dated September 5, 2016, the

Managing Director informed the petitioner that no appointment during that time was being made on compassionate ground and the dependants of the deceased employees were given monetary compensation in place and stead of such appointment. The said letter was received by the petitioner's mother. Even after receipt of such letter, the petitioner's mother again made a representation for her son's appointment on compassionate ground on August 10, 2017. The petitioner himself made another representation on October 4, 2021 for being appointed on compassionate ground.

Mr. Pati, learned counsel, appearing on behalf of the petitioner submits that the representations made by the petitioner and/or his mother for being appointed on compassionate ground have not been considered.

Mr. Saha, learned counsel, appearing on behalf of the respondent nos. 3 and 4 submits that the respondent Corporation being a necessary and proper party was included in the array of parties in this writ petition. He further submits that there is no policy of appointing people on compassionate ground.

Having considered the rival submissions of the parties and the materials placed on record, this Court finds that the previous applications made on behalf of

the petitioner have been considered and a reply has been given to the petitioner's mother on September 5, 2016. Therefore, no further prayer on the self-same ground can be made.

In the event the petitioner makes a prayer for being monetarily compensated, the said representation of the petitioner may be considered.

With the directions aforesaid, **WPA 24380 of 2022** 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.)