

S/L 11
12.12.2022
Court. No. 19
GB

W.P.A. 25851 of 2022

Mamtaz Bewa
VS
The State of West Bengal & Ors.

*Ms. Kakali Samajpaty,
Mr. Pramit Chakraborty.*

...for the Petitioner.

Affidavit-of-service filed in Court today, be kept with the record.

The petitioner claims to be the widow of deceased Abdus Salam Sarkar. Late Abdus Salam Sarkar was a Group-D staff who expired on December 3, 2013. Although the death-cum-retirement benefits were released in favour of the family, the allegation is that the prayer of the petitioner for compassionate appointment had not been considered.

It appears from the records that two representations were filed, one on June 23, 2013 and the other on August 19, 2015 before the Block Development Officer, Bhagwangola-II Block, seeking compassionate appointment.

The application in the prescribed format has not been filed. The scheme also prescribes a time limit within which such application in the prescribed format has to be filed by the dependent along with relevant documents.

It appears from the records that a coordinate Bench had directed the Block Development Officer, Bhagwangola-II Block, Murshidabad to consider the representations of the petitioner.

The petitioner relies on a communication dated November 26, 2020, issued by the District Panchayat and Rural Development Officer, Murshidabad calling upon the Block Development Officer to file a report.

This writ petition has been filed for a direction upon the authorities to grant compassionate appointment to the petitioner upon considering the financial hardship that had been faced by the family at the time of death of the sole bread winner.

Compassionate appointment is given to a dependant of a deceased employee in order to enable the family to tide over immediate financial crisis. In this case, almost 10 years have passed since the husband of the petitioner died. It also appears that the Pension Payment Order was issued.

Compassionate appointment can also be granted strictly in accordance with the scheme applicable. This is an alternative mode of employment given to the dependent of an employee who died during his employment.

However, as there is a direction of a coordinate Bench upon the Block Development Officer, Bhagwangola-II Block to take a decision in the matter, this Court is of the view that the Block Development Officer, Bhagwangola-II Block, Murshidabad must intimate the petitioner about the fate of her representations. Such communication shall reach the petitioner within a period of eight weeks from the date of communication of this order.

A copy of the writ petition along with a server copy of this order be served upon the Block Development Officer, Bhagwangola-II Block, Murshidabad.

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.)