

14.09.2023
Item No.96
gd/ssd

WPA/2435/2023
BISHU HANSDA
VS
THE STATE OF WEST BENGAL & ORS.

Mr. Shuvro Prokash Lahiri,
Mr. Habibur Rahaman
..for the Petitioner.

The petitioner has challenged the order of the Assistant Secretary, Department of Panchayat and Rural Development, Government of West Bengal dated January 6, 2023. By the said order the prayer of the petitioner for compassionate appointment upon the death of his father was rejected on the ground that the application was submitted at a belated stage.

The father of the petitioner, namely, Dukharam Mahali while performing his duties as a permanent employee of Mahipur Gram Panchayat under Raiganj Block in the District of Uttar Dinajpur died in harness on August 13, 2009. The petitioner applied for compassionate appointment on September 4, 2009.

Mr. Lahiri, learned advocate representing the petitioner submits that immediately after the death of the father, the petitioner submitted the application for compassionate appointment. He further submits

that the Assistant Secretary without considering the fact that the petitioner applied within the stipulated time rejected the application on the ground that the same was filed five years after the death of the father of the petitioner.

None appears for the State.

In spite of a direction passed in this writ petition, no affidavit-in-opposition has also been filed.

It appears from the record that the petitioner applied for compassionate appointment on September 4, 2009. Such prayer was forwarded by the concerned Block Development Officer to the Executive Officer on February 11, 2010. The District Panchayat and Rural Development Officer, Uttar Dinajpur by letter dated 8th January, 2013 directed the petitioner through the concerned Block Development Officer to re-submit the application by the latest modified check memo. It is not in dispute that the petitioner complied with such direction and re-submitted the application form in prescribed format in August, 2014. Record reveals that the concerned Block Development Officer recommended for appointment of the petitioner by making an endorsement on September 2, 2014. The "Three Men Committee" in their enquiry report observed that the family of the deceased is in need of immediate

assistance and the purpose of giving assistance to the family will be served if appointment is offered to the family of the deceased.

Therefore, from the aforesaid facts it would be evident that the petitioner applied for compassionate appointment within a month of the death of his father and pursuant to a direction passed by the concerned authority, the prayer for compassionate appointment was against re-submitted in prescribed format. Therefore, the finding of the Assistant Secretary in the order dated January 6, 2023 that the application was submitted belatedly cannot be sustained. Accordingly, the said order dated January 6, 2023 is set aside and quashed. The Assistant Secretary of the Government of West Bengal being the 4th respondent is directed to consider the prayer for appointment of the petitioner in the died in harness category in the light of the observations made in this judgment and after taking into consideration the report of the “Three Men Committee” as well as other relevant materials concerning the compassionate appointment of the petitioner and to dispose of the prayer for compassionate appointment by passing a reasoned order as expeditiously as possible but positively within a period of four weeks from the date of receipt of the server copy of this order.

Needless to mention that in case the 4th respondent is of the opinion that the petitioner is entitled to compassionate appointment, necessary consequential steps be taken thereafter.

With the above observation, the writ petition stands disposed of.

There shall be no order as to costs.

Urgent certified copy of this order, if applied for, be given to the learned advocates for the parties on usual formalities.

(HIRANMAY BHATTACHARYYA, J.)