

47.
15.6.2023
S.D.

W.P.A. 2880 of 2023

Gopal Murmu

Vs.

The Board of Trustees, Kolkata Port Trust & Ors.

Mr. Bhaskar Chandra Manna

... For the Petitioner

Mr. Kallol Basu

Mr. Ashok Kumar Jena

...for the Respondents

By a reasoned order dated July 23, 2013 passed by the Secretary, Kolkata Port Trust now re-named as Syama Prasad Mookerjee Port, the petitioner was advised to submit the necessary documents for registration of his name under the Central list for consideration of his employment on compassionate ground. The said reasoned order was passed pursuant to an order passed by a Coordinate Bench of this Hon'ble Court on June 3, 2013 in W.P. No. 13696 (W) of 2013

It is contended by Mr. Basu, learned counsel appearing on behalf of the Port Trust that after a prolonged gap of 7 years, representation dated October 5, 2020 was submitted by the petitioner. However, due to the COVID Pandemic situation, the said representation is not traceable from the

records. Therefore, the Port Trust Authorities again enumerated the documents, which were required to be filed by the petitioner in their written instruction dated April 11, 2023.

A copy of the written instruction as handed over in Court today is retained with the records.

Let a copy of such written instruction be handed over to the learned counsel appearing on behalf of the petitioner.

From the copy of the supplementary affidavit filed by Mr. Manna, learned counsel appearing on behalf of the petitioner, it appears that pursuant to the reasoned order dated July 9, 2013, a document was handed over to the Port Security Organization on February 21, 2014. However, this Court finds no reflection of the said document in the written instruction filed on behalf of the Port Trust Authorities in Court today. It is also not known whether such document in fact reached the appropriate authorities.

Without going to the issue of whether or not relevant documents were handed over to the Port Trust Authorities, in 2014, this Court directs the petitioner's name to be listed in the Central list for consideration for employment in the event the required documents as per the written instruction dated April 11, 2023 are handed over to the Port Trust Authorities

within a month from date since admittedly the representation dated October 5, 2020 is not available with the office records. The date of submission of the documents will be *deemed* to be October 5, 2020. The name of the petitioner will be *deemed* to be in the Central list with effect from October 5, 2020, the date on which admittedly the petitioner made a representation to be considered again for compassionate employment.

The prayer for compassionate appointment will be considered by the Port Trust Authorities without going into the issue that the petitioner has approached the Court belatedly as the documents were admittedly misplaced by the Port Trust Authorities. This direction is passed as a special case as to litigant should not be made to suffer due to the negligence on behalf of the Respondent authorities.

With the directions aforesaid, **W.P.A. 2880 of 2023** is **disposed of**.

Since no affidavits have been directed to be exchanged in the writ petition, all the allegations contained in the petition are deemed not to have been admitted by the parties.

All parties shall act on the server copy of this order duly downloaded from the **website** of this Court.

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

(Lapita Banerji, J.)