

16.03.2023

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WPA 3316 of 2023

Paban Das
Vs.
The State of West Bengal & Ors.

Mr. Partha Sarathi Das
Md. Hafiz Ali
Ms. Shanta Sarkar
... For the petitioner.

Mr. Amitava Chaudhuri
Mr. N. Roy
... For the University.

Mr. Swapan Kr. Datta, AGP,
Mr. Tapas Kumar Dey
... For the State.

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

Petitioner's elder brother was a Group – D staff at Jangipur College, Murshidabad. He died in harness on June 15, 2022. The petitioner being his brother made a representation before the College for his appointment on compassionate ground.

The relevant provision of the Kalyani University Statutes relating to compassionate appointment is quoted below: -

“(4)(a) Provision relating to recruitment of non-teaching employees of affiliated Colleges, as laid down in the foregoing Statutes, shall not apply in cases where dependant of any employee dying in harness is to be offered a job on compassionate ground consistent with his qualification. He shall

have preference over others in the matter of appointment or placement, as the case may be;”

The petitioner in this case is the brother of the deceased employee. He is aged about 43 years and leading a family life with his wife and child. It cannot be said that the petitioner is a ‘dependant’ of the deceased employee.

In my view, the petitioner cannot seek benefit of the aforesaid provision, which entails compassionate appointment to a dependant of an employee who died in harness.

It is, however, submitted by the learned advocate appearing for the petitioner that the petitioner, being the nominee, has received the dues on account of death of the deceased employee.

In that view of the matter, I am not inclined to entertain this writ petition. I, however, make it clear that if the petitioner as the nominee of the deceased employee is entitled to any other dues, the same shall be paid to him within one month from date.

Accordingly, **WPA 3316 of 2023** is dismissed.

Urgent certified *website* copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Kausik Chanda, J.)