

S/L 68  
22.02.2023  
Court. No. 12  
*Sourav*

**WPA 3958 of 2018**

**Dolon Chanpa Dutta**  
**Vs.**  
**The Union of India & Ors.**

*Sk. Mujibar Rahman*  
*Mr. Shayak Mitra*

*...for the petitioner.*

*Mr. Pramod Kumar Drolia*  
*Mr. Santosh Kumar Pandey*

*...for the respondents.*

Both the writ petitioner and the respondents/Union of India and its officials are represented by their respective learned advocates.

The present writ petition as filed under Article 226 of the Constitution of India is now taken up for hearing.

In support of the instant writ petition, learned advocate for the writ petitioner at the very outset draws attention of this Court to the various annexures to the writ petition wherefrom it reveals that the husband of the present writ petitioner, late Swaroop Kumar Dutta died-in-harness on 15.11.2006. It is submitted on behalf of the writ petitioner that thereafter the writ petitioner approached the respondents for granting her appointment on compassionate ground but for some reason or other, the respondents declined to grant such appointment on the plea that she was unfit for being recruited in CRPF.

Drawing attention to Annexure P-18 at Page No. 58A of the instant writ petition, it is contended that though Deputy Inspector General (Welfare), CRPF forwarded the

prayer of the present writ petitioner to the Deputy Inspector General, Group Centre, CRPF, Durgapur but the same was not considered positively as yet. Learned advocate for the writ petitioner thus submits that it is a fit case for issuing a direction upon the respondents to grant compassionate appointment to the present writ petitioner in any department in the Union of India.

*Per contra*, learned advocate for the respondents/Union of India in course of his submission draws attention of this Court to the affidavit-in-opposition as filed in this case and the photocopies of various office memorandum relating to compassionate appointment in CRPF. It is contended on behalf of the respondents that the application(s) of the present writ petitioner was/were considered twice by the present respondents but since she was not found fit, her application for appointment on compassionate basis cannot be considered favourably. It is further argued that in view of the prevalent scheme for compassionate appointment, there lies some quota for granting such appointment and since the present writ petitioner was found not eligible, she was advised for compassionate appointment for any other eligible dependant family members or to wait till any other eligible family members attains the required eligibility for compassionate appointment in CRPF.

In reply, learned advocate for the writ petitioner submits before this Court that she has got no control over the other family members of the deceased.

On perusal of the entire materials as placed before this Court and after hearing learned advocates for both sides, it appears that admittedly the husband of the present petitioner died-in-harness when he was appointed in CRPF. It also reveals from the materials as placed before this Court that the present writ petitioner being the widow of the deceased is found to be ineligible for appointment in CRPF even on compassionate ground.

In view of such, this Court directs the Special Secretary, Department of Home, Union of India to consider the instant writ petition as a representation of the present writ petitioner and to consider such representation for appointment of the writ petitioner in any other department in Union of India or any other wings of the department of Home as per prevailing rules after giving an opportunity of being heard to the present writ petitioner within three months from the date of communication of this order.

It is further ordered that the outcome of such representation is to be communicated within two weeks from the date of taking appropriate decision in this regard.

With the aforementioned observation the instant writ petition is disposed of.

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

**(Partha Sarathi Sen, J.)**