

05.04.2023
Ct.19/sl.41
sn

W.P.A.8796 of 2022

Bhagyaman Bagdi

Vs.

The State of West Bengal & Ors.

Mr. Chittapriya Ghosh

Ms. Kanta Roy

..for the petitioner

Ms. Chaitali Bhattacharyya

Mr. Subhendu Roy Chowdhury

..for the State

This writ petition has been filed for disposal of the representation dated March 15, 2022 made before the Commissioner, Directorate of Panchayat & Rural Development, Government of West Bengal.

The petitioner submits that the said application was made pursuant to the liberty granted by a co-ordinate Bench of this Court in WP 8304(W) of 2019. According to the petitioner, the said representation ought to have been considered in compliance of the order of the High Court.

It appears that a co-ordinate Bench of this Court directed the petitioner to apply before the Commissioner, Directorate of Panchayat & Rural Development, Government of West Bengal and the Commissioner was directed to dispose of the same within four months from the date of receipt of the representation of the petitioner . The representation was filed by the petitioner on March 15, 2022, which

is after 2 years and 3 months from the order of the co-ordinate Bench of this Court.

Ms. Bhattacharyya, learned senior government advocate opposes the prayer of the petitioner for a direction upon the authority to dispose of the representation, on the following grounds:-

A) The mother of the petitioner initially applied for compassionate appointment. Once the son attained majority, she requested the authority to grant compassionate appointment to the petitioner.

B) The petitioner was not entitled to get appointment at the time of death on account of minority and such right would not accrue at a belated stage.

C) The mother could not nominate the son for grant of appointment which would be contrary to the rules and settled principles of law.

D) Compassionate appointment is a special mode of appointment granted to the family of an employee who died in harness, only to allow the family of the deceased to tide over the immediate financial crisis that befalls the family on the demise of the sole bread earner. The delay in this case would show that the family did not face immediate financial crisis and they were able to tide over the situation.

This Court is not entertaining the writ petition on the merits of the claims of the petitioner.

The prayer of the petitioner for a direction upon the Commissioner to dispose of the representation is allowed only because there is a previous order by a co-ordinate Bench of this Court.

The authority shall decide all the issues raised by either party, independently and all aspects shall be decided on the basis of the rules, regulations and law which have been settled by the Courts.

The petitioner will be represented by his learned advocate before the Commissioner. An opportunity of hearing shall be given to the petitioner and a reasoned order shall be passed and communicated to the petitioner.

The entire exercise shall be completed within a period of three months from the date of receipt of the petitioner's objection.

This writ petition is disposed of.

There will be, however, no order as to costs.

All parties are directed to act on the server copy of this order.

(Shampa Sarkar, J.)