

25.04.2023
Court No. 19
Item no.26
CP

W.P.A. No. 9168 of 2023
Chiranjit Satiar @ Chiranjit Sattiar
Vs.
The State of West Bengal & Ors.

Mr. Avinaba Patra
Mr. Dipayan Kundu

....for the petitioner.

Mr. Lalit Mohan Mahata
Mr. Prasanta Behari Mahata

....for the State.

The father of the petitioner died in harness on June 8, 2011. The petitioner prays for compassionate appointment on the basis of the recommendation made by the authorities including the Three Men's Enquiry Committee. The petitioner has challenged the Memorandum dated March 13, 2023, on the ground that the said communication was contrary to the records.

Compassionate appointment is granted strictly in terms of the scheme and/or notifications prevailing. The petitioner was found eligible by the Three Men's Enquiry Team which included the Financial Controller and Chief Accounts Officer, Malda Zilla Parishad, the District Panchayats & Rural Development Officer, Malda as also the Deputy Secretary, Malda Zilla Parishad. The petitioner was

found eligible as per the existing scheme at the relevant point of time.

The decision of Assistant Secretary to the Government of West Bengal in the communication dated March 13, 2023 being Annexure P-16 at page 55 of the writ petition intimating the Additional District Magistrate, Malda & the Additional Executive Officer, Malda Zilla Parishad that the case of the petitioner could not be permitted in view of late submission of the proforma application by the petitioner, is liable to be set aside for the following reasons:

- a) On June 27, 2011 the Additional Executive Officer, Malda Zilla Parishad supplied the proforma to the petitioner for making the application (Annexure P-3 page 27 of the writ petition).
- b) A Three Men's Enquiry Team was constituted for the first time on March 20, 2012. (Annexure P-5, page 26 of the writ petition).
- c) The Secretary, Malda Zilla Parishad asked the petitioner to appear before the Three Men's Enquiry Team on March 23, 2012 at 11 am.
- d) Proposal was sent on April 2, 2012 to the Principal Secretary to the Government of

West Bengal, Panchayats and Rural Development Department. The case of the petitioner was also recommended by the Minister-in-Charge, Women Development and Social Welfare Department.

- e) Again in 2016 proposal was sent for appointment of the petitioner.
- f) The Additional District Magistrate, Malda & the Additional Executive Officer, Malda Zilla Parishad once again supplied the proforma to the petitioner on March 19, 2019 for necessary action.

The records which have been annexed to the writ petition indicate that the matter was under active consideration of the department since 2011 and the contention that the proforma application was submitted belatedly, does not appear from the records.

The communication dated March 13, 2023 is set aside. The matter has to be decided afresh upon taking into consideration the abovementioned observations.

The Principal Secretary to the Government of West Bengal, Panchayats and Rural Development Department shall treat the writ petition as a representation and pass necessary orders with regard to the proposal for engagement of the

petitioner which was sent by the District Magistrate, Malda and Executive Officer, Malda Zilla Parishad way back in 2012, within eight weeks from the date of communication of this order.

It appears that on two occasions Three Men's Enquiry Team had been constituted to decide the eligibility. The report of the Three Men's Enquiry Team is at pages 34 and 35 of the writ petition. The enquiry team was of the opinion that the petitioner had satisfied the criteria as per the relevant G.O., namely, GO No. 4097/97/PN/9/III/2A-63/2014 dated September 29, 2014, issued by the Panchayat & Rural Development Department, PRI Wing. It is quite likely that the previous application and records had been misplaced.

Under such circumstances, when the Three Men's Enquiry Team had found the petitioner eligible for compassionate appointment way back in 2020, the court does not find any reason as to why such recommendation of the District Magistrate as also the Three Men's Enquiry Team should not be implemented.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

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

(Shampa Sarkar, J.)