

WPA 9212 of 2023

Mr. Mahadeb Sarkar
Ms. Soma Chakraborty
.....for the petitioner

Mr. T.M. Siddiqui
Mr. Amrita Lal Chatterjee
Mr. Josh Sighe
....for the State

This is an application under article 226 of the Constitution of India praying for a direction upon the respondent authorities to take a decision in respect of the compassionate appointment of Fair Price Shop Dealer in favour of the petitioner in terms of his applications dated 07.02.2022 and 20.04.2022.

Affidavit of service filed on behalf of the petitioner is taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The father of the petitioner was an MR/Fair Price Shop Dealer at Village & Post Office Puratan Bongaon, Police Station Bongaon, North 24-Parganas. The petitioner's father passed away on 25.01.2022. On 07.02.2022 the petitioner submitted an application in the prescribed form along with necessary papers to the Sub-Divisional Controller (F & S) Bongaon praying for compassionate appointment in place of his deceased

father. Since the father of the petitioner had given his name as his nominee, the petitioner was asked to fill up another form for compassionate appointment. On 20.04.2022 the petitioner submitted such form. Although, the inspection was made and an inspection report was submitted, till date the question of compassionate appointment of the petitioner has not been finally decided.

Learned counsel appearing on behalf of the State submits that since the petitioner's applications are to be considered, the respondent no. 4 would be in a position to do the same in case the matter had not been considered earlier.

I have heard the submissions of the learned counsels appearing on behalf of the parties and have perused the writ petition.

It appears that the petitioner had made two applications seeking compassionate appointment for an FPS Dealership in place of his deceased father, one dated 07.02.2022 and the other dated 20.04.2022. However, it is also apparent that that petitioner has not been communicated about the fate of those applications. Presumably the applications have remained pending for consideration.

Therefore, in the event, the petitioner's applications have not been considered as yet, the respondent no. 4 shall consider the same in

accordance with law and decide the issue of compassionate appointment in respect of the petitioner's applications within three weeks from the date of communication of this order and thereafter, communicate the result to the petitioner within a week therefrom.

With these observations, the writ petition is disposed of.

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance.

(Jay Sengupta, J.)