

06.06.2023
DL-12
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 11149 of 2023

Kunal Chakraborty
Vs.
The State of West Bengal & Ors.

Mr. Anish Kumar Mukherjee,
Mr. Wrickbrata Roy
.....for the petitioner.

Mr. Susanta Pal,
Ms. Debdooti Dutta
.....for the State.

Mr. Amal Kumar Sen,
Mr. Sabyasachi Mondal
.....for CSTC.

The petitioner's grievance is that his prayer for compassionate appointment has not been considered by the respondent authorities. The petitioner's father was a permanent employee under the Calcutta State Transport Corporation (CSTC). The petitioner's father died-in-harness on April 15, 2016. Thereafter, the petitioner's mother made an application on behalf of the petitioner for compassionate appointment on June 20, 2016. The application of the petitioner's mother was forwarded by the Depot Manager to the Deputy Managing Director (Admn.), CSTC on December 15, 2016.

Mr. Mukherjee, learned counsel appearing on behalf of the petitioner submits that there were various reminders including the ones in 2018, 2020

and 2022 annexed to the writ petition. Despite the said reminders, no action was taken on behalf of the respondent authorities.

Mr. Sen, learned Additional Government Pleader appears on behalf of the CSTC and submits that there was no requirement of answering to the representation made by the petitioner since there was no applicable scheme for compassionate appointment in April 2016 (on the date of death of the petitioner's father).

Considering the submissions of the parties and the materials placed on record, this Court is of the view that justice will be sub-served by directing the respondent no.2/the Managing Director, CSTC or any other authority delegated by him to consider the representations of the petitioner along with the intimation of the Depot Manager dated December 15, 2016 in accordance with any applicable scheme/policy as on April 15, 2016, being the date of death of the petitioner's father. While considering the representations of the petitioner it will also be taken into account whether any appointment was made on compassionate ground during the aforesaid period. The representations of the petitioner will be considered within 8 weeks from date and a reasoned

order will be passed and communicated to the petitioner within 2 weeks of passing thereof.

With the directions aforesaid, **WPA 11149 of 2023** is **disposed of**.

Since no affidavits have been directed to be exchanged in the writ petition, the allegations contained therein are deemed not to have been admitted by the respondents.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Hon'ble Court.

Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(Lapita Banerji, J.)