

24.07.2023
DL-6
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 13724 of 2023

Gokul Chandra Matia
Vs.
The State of West Bengal & Ors.

Mr. Rajib Kumar Acharyya
....for the petitioner.

Mr. Pinaki Bhattacharyya
....for the State.

Mr. Suddhadev Adak
....for WBSMICL.

The petitioner's grievance is that his representation dated June 24, 2016 for compassionate appointment in the "*land losers category*" has not been considered sympathetically by the respondent authorities.

Mr. Acharyya, learned counsel appearing on behalf of the petitioner submits that the petitioner's father donated a plot of land under P. S. Bhagabanpur, District – Purba Medinipur in 1978. The said fact made the petitioner eligible to pray for appointment in "*land losers category*". The Deputy Secretary, Water Resources Investigation and Development Department, Government of West Bengal wrote a letter to the Managing Director, West Bengal State Minor Irrigation Corporation Limited

(WBSMICL) on July 17, 2017 regarding the allegation of lack of compensation paid to the petitioner's father and the assurance of work by WBSMICL. An enquiry was requested to be conducted. Furthermore, another communication dated June 29, 2018 was forwarded by the Deputy Secretary to the Managing Director, WBSMICL. A third communication was made on October 10, 2018 by the Deputy Secretary to the Managing Director, WBSMICL.

Mr. Adak, learned counsel appears on behalf of respondent corporation/WBSMICL/respondent no.3 and submits that the writ petition is not maintainable since the petitioner has approached the Court at a belated stage. He further submits that the petitioner's father transferred the said land by way of a deed of gift. Therefore, there can be no allegation regarding non-payment of compensation or assurance of work not being fulfilled.

Considering the submissions of the parties and the materials placed on record, this Court directs the Managing Director, WBSMICL to enquire into the matter and pass a reasoned decision by 8 weeks from date upon consideration of all the facts and circumstances taking into account the communications by the Deputy Secretary in respect of the grievance of the petitioner.

With the directions aforesaid, **WPA 13724 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.)