

WPA 22512 of 2023

Md. Shamim Alam
Vs.
The State of West Bengal & Ors.

Md. Nauroz Rahber
Mr. Muhammad Jawwad
....for the petitioner

Mr. Pinaki Dhole
Mr. Pitesh Kr. Ganguly
...for the State

Ms. Sutapa Sanyal
Mr. Debrup Bhattacharjee
Mr. Pradeep Kr. Tulsyan
...for the respondent No. 2

The petitioner's father died-in-harness on July 9, 2013. He was working with the West Bengal State Marketing Board (WBSMB) during such period. The prayer for compassionate appointment was made by the petitioner's father on April 23, 2013 for the petitioner, since the petitioner's father suffered from serious illness. The petitioner has been contractually engaged by the Chief Executive Officer vide letter dated January 9, 2015.

It is the petitioner's case that he has only earning a meagre sum of Rs.7,000/- per month. However, a similarly situated employee who was engaged in 2013 has been absorbed by the respondent No. 2/Board as a permanent employee and earning a significantly higher sum compared to that of the petitioner.

Mr. Dhole, learned counsel appears on behalf of the State-respondents.

Ms. Sanyal, learned counsel appearing on behalf of the Board submits that the petitioner has no right to compassionate appointment. The mercy prayer of the petitioner was considered by the Board. The Board has not violated any legal right of the petitioner.

Considering the rival submissions of the parties and the materials placed on records, this Court is of the view that justice will be sub-served by directing the respondent No. 3/the Secretary, Uttar Dinajpur Zilla Regulated Market Committee to consider the representations of the petitioner dated June 25, 2021 and August 18, 2021 within 8(eight) weeks from the date of this order. A reasoned order shall be passed and communicated to the petitioner within 2(two) weeks of passing thereof.

With the directions aforesaid **WPA 22512 of 2023** is **disposed of**.

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

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

Urgent certified website copies of this order, if applied for, be made available to the parties subject to compliance with all requisite formalities.

(Lapita Banerji, J)