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Ct No 2023
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AGM

W.P.A. 25144 of 2022

**Sarbari Chakraborty
Vs
State of West Bengal & Ors**

Mr. Malay Bhattacharyya,
Mr. Subhrojyoti Ghosal,
... For the Petitioner.

Ms. Chaitali Bhattacharya, Sr. Adv.
Mr. Mrinal Kanti Biswas,
... For the State.

Mr. N. C. Bihani,
Mr. P. B. Bihani,
Mr. Soumya Mukherjee, ... For the WBSTC.

The petitioner's husband died-in-harness on July 11, 2016. He was an employee of West Bengal Transport Corporation Limited (WBTCL).

On August 12, 2016 the petitioner made an application for appointment on compassionate ground. A local enquiry was conducted by the appointing authority. The said local enquiry was conducted on August 12, 2016 itself. Thereafter, the petitioner made a representation for appointment on August 6, 2022 before the Managing Director, WBTCL/ the respondent no. 2.

Mr. Malay Bhattacharyya, learned counsel appearing on behalf of the petitioner submits that despite such representation, the respondents did not consider the application for appointment of the petitioner on compassionate ground.

Ms. Chaitali Bhattacharya, learned counsel appears

on behalf of the State of West Bengal.

Mr. N. C. Bihani, learned advocate appears on behalf of the WBTCCL and files Report-on-Affidavit. The said report is retained with the records.

He contends that there was only a One Time Appointment of 276 casual/contractual employees of CSTC. The said employees were regularized pursuant to a notification of the Governor dated October 29, 2009.

It appears from the report that there was no scheme for compassionate appointment prevalent prior to 2002. From the report it does not appear what scheme was prevalent between 2002 and 2009 for appointment/engagement of casual/contractual workers with the WBTCCL formerly known as Calcutta Tramways Company (1978 Limited). He further refers to a notification dated December 2, 2013 issued by the Labour Department, Government of West Bengal in support of his contention that only the dependent members of a Government employee who may be considered for compassionate appointment. WBTCCL is an autonomous body and, therefore, no one has been or could be considered for appointment on compassionate ground since 2013.

Having considered the rival submissions of the parties and the materials placed on record, this Court directs the respondent no. 3/The Administrative and Personnel Officer, WBTCCL to consider the representation

of the petitioner dated August 6, 2022 and pass a reasoned order within eight weeks thereof.

A personal hearing will be given to the petitioner. The said reasoned order will be communicated to the petitioner within two weeks of passing thereof. It will be indicated in the said reasoned order whether any contractual or casual workers, who were engaged from 2002 to 2009 were done pursuant to any scheme of the said company. Furthermore, it will be indicated in the reasoned order whether any appointment has been made on compassionate grounds since 2013.

With the directions aforesaid, **WPA 25144 of 2022** is **disposed of**.

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

All parties are directed to act on the server copy of this order downloaded from the official website of this Hon'ble Court.

(Lapita Banerji, J.)