

WPA 37488 of 2013
(Bikash Shaw Vs. The State of West
Bengal & Ors.)

Mr. Susanta Pal

..... For the petitioner

None appears for the respondents despite service. Affidavit-of-service filed by the writ petitioner is taken on record.

This writ petition was preferred praying for a direction upon the respondents to consider the case of appointment of the petitioner on compassionate ground in the post of Bus Conductor.

Facts as unfolded in the writ petition is that the petitioner's father, namely, Sri Ganesh Shaw who happened to be the employee of Calcutta Tramways Company (1978) Ltd. (hereinafter referred to as the 'CTC') as Painter No. 704/749, under Nona Pukur Workshop died in-harness on 1st November, 1999 leaving behind the petitioner and his mother.

In 2005, by dint of a circular dated 1st September, 2005, the Managing Director of CTC adopted the notification dated 5th June, 2005 issued by the Labour Department, Government of West Bengal to extend the benefit of compassionate appointment to the dependents of the employee of CTC who had died in-harness or who had been prematurely retired from

service being declared permanent disabled by the medical board on or after 1st January, 1997 and the Managing Director invited applications from the candidates who are entitled to avail of the benefits of compassionate appointment.

As per instruction contained in the said circular, the petitioner approached the authority concerned. On being so approached, the authority concerned supplied a prescribed form to the writ petitioner with a direction to submit dully filled in prescribed form.

In deference to that direction, the petitioner submitted dully filled in prescribed form. Thereafter, on diverse dates, the petitioner made numerous representations but none of his representations has been considered and/or disposed of and all the said representations are still awaiting decision to be taken by the concerned respondent.

Mr. Susanta Pal, learned advocate appearing for the petitioner submits that the respondent authority cannot sit tight over the matter for years and direction can be given to take decision on the representation of the petitioner within a specified time frame.

In view of such submission made by and on behalf of the writ petitioner, I am inclined to exercise the discretion to direct the respondent no. 4 to consider and dispose of the representation of the petitioner in accordance with law after affording an opportunity of hearing to the petitioner within a period of four weeks

from the date of communication of this order. The writ petitioner is directed to place a copy of this writ petition along with all annexures thereto before the respondent no. 4 within 10(ten) days from date.

If the representation is decided in favour of the writ petitioner, the respondent no. 4 shall take next follow up actions to give appointment to the petitioner in the post of 'Bus Conductor' or in any suitable post on compassionate ground and if the representation is decided against the writ petitioner, then the respondent no. 4 shall pass a speaking order and communicate such reasoned order to the petitioner within a period of two weeks thereafter.

It is clarified that I have not gone into the merits of the grievances of the writ petitioner ventilated in his representations.

With these observations, this writ petition is, thus, disposed of.

There shall, however, be no order as to costs.

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

(Partha Sarathi Chatterjee, J.)