

Form J(2)

**IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri
Constitutional Writ Jurisdiction
Appellate Side**

**Present :
The Hon'ble Justice Bibek Chaudhuri**

WPA 293 of 2023

**Md. Anisur Rahaman
-Versus-
The State of west Bengal & Ors.**

**For the Petitioner : Ms. Supriya Singh,
Mr. Srijit Haldar.**

**For the Opposite Parties : Mr. Subir Kumar Saha,
Mr. Pretom Das.**

Heard & Judgment On : 31st January, 2023.

Affidavit-of-service filed in Court today be kept with the record.

The petitioner is the only son of one Md. Anwar Hossain who was initially appointed vide order dated 8th August, 1979 as daily wages chowkidar in the establishment of the Executive Engineer, Jalpaiguri (Agri-Mech) Division. It is submitted by the learned Advocate for the petitioner that the said Md. Anwar Hossain died-in-harness on 8th April, 2008 leaving behind his wife, two married daughters and one son, the petitioner herein. Immediately after his death he filed an application for compassionate appointment in place

of his father in the above-mentioned establishment as his father was the only bread earner and after his death there was nobody to earn the livelihood to maintain the family. The other legal heirs of the petitioner also made declaration swearing affidavits that if the petitioner gets a suitable job on compassionate ground there is no objection of the said legal heirs. On 3rd September, 2010 a declaration was obtained from the petitioner by the Executive Engineer, respondent no. 3 herein where the petitioner declared that having been selected for appointment in Government service on compassionate ground for die-in-harness case of my Late Anwar Hossain do hereby declare in open mind that I am ready and fully agreed to accept the offer of appointment to a Group -D post under exempted category in terms of G.O. No. 1619-Estab(Cell-II)/WI/N/12A-26/2009 dated 31.08.2009 of Water Resources Investigation & Development Department, Government of West Bengal and Memo No. 9584/9E-17/1/2009 dated 10.09.2009 & No. 9585/9E-17/1/2009 dated 10.09.2009 of the Director of Personnel & Ex-Officio Chief Engineer, Water Resources Development Directorate, West Bengal. The petitioner also annexed Memo No. 4029 dated 9th August, 2016 wherein Anisur Rahaman was directed to submit three men enquiry report with signature of the members, signature of Controlling Officer in part - III of annexure - 'A' and revised death

gratuity order and pension payment order required and accordingly calculation should be made at the material time of death and the said amount should be reflected in Annexure 'P' proforma. Apart from first two requirements the third requirement is to be calculated by the respondent authority.

Be that as it may, even after being selected for group – 'D' post appointment on compassionate ground till date the petitioner has not been absorbed in the establishment on one reason or other.

The petitioner lastly made a representation to the respondents on 14th January, 2023.

The instant writ petition is disposed of directing the respondent no. 3 to dispose of the representation dated 14th January, 2023 within six weeks from the date of communication of this order and pass a reasoned order after giving opportunity to the petitioner of being heard.

The instant writ petition is, accordingly, disposed of.

There shall be no order as to costs.

(Bibek Chaudhuri, J.)