

Form J(1)

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
Constitutional Writ Jurisdiction
Appellate Side**

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

W.P.A. 3304 of 2022

**Mahesh Chowdhury
-Versus-
The State of West Bengal & Ors.**

For the Petitioner : Mr. S.M. Obaidullah, Adv.

**For respondent
Nos.2,3 & 4. : Ms. Supriya Singh, Adv.
Mr. Pradip Tulsian, Adv., Adv.**

**For the State : Mr. Subir Kumar Saha, Adv.
Mr. Bikramaditya Ghosh, Adv.**

Heard & Judgment On : 9th February, 2023.

Affidavit of service be kept with the record.

Father of the petitioner namely Golap Chowdhury, since deceased, was a Group-D employee of Cooch Behar Zilla Regulated Market Committee. While in employment, the said Golap Chowdhury died on 24th September, 2000. After his death, the petitioner being the son of the deceased employee made an application within six months from the date of death of the said employee for compassionate appointment complied with all formalities. The respondent authority failed to take any action on the representation filed by the petitioner.

This led the petitioner to file a writ petition being WPA 1354 of 2021 before this Court. A Co-ordinate Bench vide order dated 22nd November, 2021 disposed of the said writ petition directing the respondent No.4 to consider the prayer for compassionate appointment on the basis of the representation dated 14th August, 2021 filed by the petitioner.

The respondent No.4 being the Secretary, Cooch Behar Zilla Regulated Market Committee duly took up the representation submitted by the petitioner and passed a reasoned order stating, *inter alia*, that in terms of Notification No.251-EMP dated 3rd December, 2013 issued by the Labour Department, Government of West Bengal, a Three-Members' Committee was constituted on 27th January, 2022 for considering the representation of the petitioner. The Committee conducted necessary enquiry and submitted the enquiry report on 10th February, 2022 with recommendation for engagement of the petitioner on compassionate ground. However, since the Secretary, Cooch Behar Zilla Regulated Market Committee is not the competent authority to give appointment to the petitioner, the said order was sent to the Executive Officer, West Bengal State Agricultural Marketing Board for giving appointment to the petitioner. However, the Chief Executive Officer, respondent No.4 herein sat tight over the matter. Till date, he did not issue any order of appointment in

favour of Mahesh Chowdhury, though he was duly recommended by Three-Members' Committee.

The petitioner was compelled to submit a representation to the respondent Nos.3 and 4 for redressal but said representation has not been disposed of as yet.

In view of such circumstances, the respondent Nos.3 and 4 are directed to take final decision with regard to appointment of the petitioner on compassionate ground on the basis of the finding of Three Members' Committee dated 10th February, 2022 within two weeks from the date of communication of this order.

After disposal of the representation, the petitioner shall be communicated within one week thereafter.

The instant writ petition is accordingly allowed on contest.

The parties are at liberty to act on the server copy of the order.

(Bibek Chaudhuri, J.)

***Mithun
Ct No.2.
Sl No.12.***