

14-03-2024
ct no. 13
Sl. 23
pk

WPA 1274 of 2024

Smt. Sunanda Mondal
-Versus-
State of West Bengal & Ors.

Mr. Syed Nurul Arefin,
Mr. Rahul Singh,
Mr. Syed M. Arefin,
Ms. Rashmi Binayak
..for the petitioner

Mr. Tapan Kumar Mukherjee
Ms. Sangeeta Ray,
Ms. Debdooti Dutta
...for the respondent No. 1.

Mr. Madhusudan Saha Ray
... for the WBSEDCL.

Mr. Arup Krishna Das
... for the respondent nos. 6 and 7.

1. This Court appreciates the submissions and suggestions towards resolving the disputes between the petitioner/daughter-in-law and the respondent nos. 6/father in law & 7/mother in law indicated by Mr. Madhusudan Saha Ray, learned counsel for the WBSEDCL.

2. The petitioner/Sunanda Mondal is otherwise eligible for compassionate employment with the WBSEDCL on account of in-service death of her husband, Rakshit Mondal.

3. The only issue standing in the way of the employer granting such employment to the petitioner

is the refusal by the respondent nos. 6 and 7 to grant no objection to the petitioner's engagement on compassionate ground. They are only concerned that once employment is received, the petitioner/daughter-in-law may not contribute to the maintenance to the respondent nos. 6 and 7.

4. The apprehension expressed by the respondent nos. 6 and 7 are not totally misplaced.

5. Counsel for the petitioner, however, places reliance on an affidavit submitted by his client to the WBSEDCL undertaking to maintain the respondent nos. 6 and 7.

6. As to what would be the measures to be adopted by the said respondent nos. 6 and 7 in the event of a default by the petitioner in paying maintenance to the in-laws remains an intriguing question. There is no doubt that that the senior citizen in-laws would not be in any position to run to a court or other statutory fora to enforce the affidavit and declaration, against the petitioner.

7. In this context part of an order of a Division Bench of this Court dated 21.02.2024 in MAT 1758 of 2023 (Mamon Ghosh Vs. State of West Bengal and others) is placed and considered. Paragraph 5 of the said order is set out herein below :

“5. Since there is a requirement for maintenance of the parents of the deceased, the employer shall deduct 20% of the salary (before deduction) in

every month in favour of the respondent nos. 6 and 7 to the designated account to be furnished by the learned Advocate for the respondent nos. 6 and 7 to the Electricity Distribution Company within two weeks from date."

8. This Court is of the view that the aforesaid directions of the Division Bench is an ideal solution that can be applied in the instant case.

9. In those circumstances, this Court directs the WBSEDCL to grant compassionate employment to the writ petitioner in an appropriate post commensurate with her qualification, experience and abilities within a period of one month from date.

10. The WBSEDCL shall deduct 20 per cent of all salaries and emoluments payable to the petitioner from her service with them and deposit the same into the bank account of the respondent nos. 6 and 7. Bank account details of the respondent nos. 6 and 7 shall be furnished by their learned advocate to Mr. Madhusudan Saha Ray, learned advocate for the WBSEDCL in writing forthwith.

11. It is made clear that in the event the petitioner predeceases the respondent nos. 6 and 7, 30 per cent of all terminal dues payable to the petitioner shall also be paid to the respondent nos. 6 and 7 into their respective bank accounts.

12. If the petitioner does not have any children of her own or no other pension entitled person, pension on

account of the petitioner's service upon her predeceasing the respondent nos. 6 and 7 shall be entitled to such pension in the entirety subject to the Rules of the WBSEDCL.

13. The writ petition is disposed of.

14. There will be no order as to costs.

15. Urgent photostat certified copy of this judgment, if applied for, be given to the parties upon compliance of all formalities,

(Rajasekhar Mantha, J.)