

08.07.2024  
Ct. 23  
D/L 4  
ab

**IN THE HIGH COURT AT CALCUTTA  
CONSTITUTIONAL WRIT JURISDICTION  
APPELLATE SIDE**

**WPA 8079 of 2024**

**Jhuma Acharjee & Anr.  
-Vs-  
The State of West Bengal & Ors.**

Mr. Sovan Das Gupta  
... for the petitioners

Mr. Pantu Deb Roy,  
Mr. Pannalal Bandopadhyay  
... for the State

Mr. Amal Kr. Sen,  
Ms. Sahina Sumi  
... for the NBSTC

The husband of the petitioner no. 1 and the father of the petitioner no. 2 namely Manoj Acharjee while serving in North Bengal State Transport Corporation ( in short 'NBSTC') as a workmen helper died in harness on 5<sup>th</sup> July, 2021. The petitioner no. 2 is one of the sons of the deceased employee. The petitioner no. 2 had applied for compassionate appointment. The petitioner no. 1 and other brother of the petitioner no. 2 had granted "no objection" in the favour of the petitioner no. 2 for getting the appointment on compassionate ground. The petitioners say that though the application was made on 12<sup>th</sup> January, 2022 i.e. within a reasonable period

from the death of the employee, however, nothing has been communicated to the petitioners since then. It is now well settled that the compassionate appointment is a departure from the regular service and is not granted as a matter of right but in terms of the prevailing scheme in the employer concerned, if any, to tide over the financial crisis that may be faced by the bereft family on the loss of its bread earner.

In the aforesaid facts and circumstances, the respondent no. 4 being the Managing Director of the NBSTC is directed to consider the petitioner's application and decide the same by passing a reasoned order, if necessary, by giving the petitioner no. 2 a personal hearing. The entire exercise should be completed within three months from date and the order should be communicated to the petitioners immediately upon the same being passed. The respondent no. 4 shall be free to decide the issue independently without being any way influenced by the observations made in this order. I also clarify that this Court has not gone into the merits of the matter. Since the order is passed in the presence of the learned advocate representing the respondent no. 4, no further communication is required. However, as and by way of abundant caution, the petitioner may serve a server copy of this order on the respondent no. 4, who shall act on the basis thereof

without insisting upon production of certified copy thereof.

Nothing further remains to be adjudication in this writ petition. The same is accordingly disposed of.

Since I have not called for any affidavits, the allegations contained in the writ petition are deemed to have not been admitted by the respondents.

Urgent Photostat copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

**(Arindam Mukherjee, J.)**