

01.10.2024
D.L.9
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 17359 of 2024

Rupchanda Hansda
Vs.
Union of India & Ors.

Mr. Joy Chakraborty,
Mr. Ranjit Malakan

....for the petitioner.

Mr. Arun Bandyopadhyay

....for Union of India.

The petitioner was given compassionate appointment on the death of his father as a Trainee in a temporary capacity in National Remote Sensing Centre, Hyderabad under Indian Space Research Organisation (in short ISRO). The offer of appointment dated 15th May, 2019 was issued with an annexure which specified the terms and conditions of appointment. In clause 1 of such annexure it was clearly stated that the petitioner was required to pass Class – X standard within a period of 5 years from the date of joining as Trainee. The petitioner has not been able to achieve that criteria within 5 years.

The petitioner has sought for an extension of time to pass such Class – X standard examination by a letter dated 15th February, 2024. On 20th May, 2024 the Senior Administrative Officer (Estt) had written to the Officer on Special Duty (Personnel),

Department of Space, Government of India to consider the petitioner's representation as to the extension of time. The petitioner says that there is a provision of extending the time, but no decision has yet been taken or communicated to the petitioner.

In the aforesaid facts and circumstances after hearing the respondents, I find that justice will be sub-served if I direct the Officer on Special Duty (Personnel) and/or the Competent Authority empowered to decide the issue aforesaid to decide on the petitioner's representation by passing a reasoned order within a period of 10 weeks from date of communication of a server copy of this order after affording the petitioner an opportunity hearing, if necessary the order should be forthwith communicated to the petitioner.

It is made clear that I have not gone into the merits of the matter and the concerned authority shall independently and without being influenced by any observation made in this order shall decide the issue in accordance with the applicable legal provision.

It is also made clear that till disposal of the petitioner's representation, no coercive action shall be taken as against the petitioner for having not

acquired the educational qualification as specified in the appointment letter within the time provided.

The writ petition 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 certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Arindam Mukherjee, J.)