

WPCT 215 of 2024

(Union of India & Ors. Vs. Mrs. Rina Roy & Anr.)

Mr. Pinaki Ranjan Chakraborty

..... For the petitioners

Mr. Ujjal Ray

Mr. Arpa Chakraborty

..... For the respondents

Affidavit-of-service, as filed, be kept on record.

The writ petition pertains to the appointment of respondent no. 2 on compassionate grounds, as prayed for by respondent no. 1, following the death of her husband in harness.

The husband of respondent no. 1 was an employee of the Howrah RMS Division. He died in harness on 24th November, 2013, leaving behind his widow and a son, respondent no. 2 herein. To help the family overcome financial distress, the respondent no. 1 applied for her compassionate appointment. She was even offered provisional appointment on 29th June, 2022. However, before accepting the offer, she fell ill and underwent a major operation. Finding herself unfit for any job, she made an application requesting the petitioners to appoint respondent no. 2, her son, on compassionate grounds. However, the petitioners rejected the prayer of respondent no. 1 by issuing an order on 23rd March, 2022.

Aggrieved by the order dated 23rd March 2022, the respondents filed an Original Application (in short, OA) being OA 1229 of 2022, which was disposed of by the order challenged in the writ petition. In that order, the

learned Tribunal directed the petitioners to reconsider their decision rejecting the prayer of the respondent no.1 for the appointment of her son on compassionate grounds. Additionally, the petitioners were directed to make a fresh assessment of the financial condition of the family left by the deceased employee, and to present the matter before the Circle Relaxation Committee. Hence, this writ petition.

Mr. Chakraborty, learned advocate representing the petitioners, submits that the learned Tribunal directed the petitioners to reconsider their decision rejecting the claim of respondent no. 1 for the compassionate appointment of her son; however, no application in the prescribed format has been submitted by the son. He further submits that if the son submits an application for his compassionate appointment in the proper pro forma, it will be considered in accordance with the direction given by the learned Tribunal.

Mr. Ray, learned advocate representing the respondents, submits that if directed, the respondent no. 2 will submit the application for his compassionate appointment in the prescribed proforma within the timeframe stipulated by this Court.

In view of the submissions made on behalf of the respective parties, the writ petition, being WPCT 215 of 2024, is disposed of by directing respondent no. 2 to submit his application for compassionate appointment in the prescribed proforma within three weeks from the date of this order. In the event such an application is filed, the petitioners shall consider it in accordance with the order

passed by the learned Tribunal in OA 1229 of 2022 within three months from the date of receipt of the application.

It is made clear that such an application shall not be dismissed on the ground of delay.

With these observations and orders, the writ petition being WPCT 215 of 2024 is disposed of.

There shall, however, be no order as to costs.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Partha Sarathi Chatterjee, J.) (Tapabrata Chakraborty, J.)