

09 05.09.2024
rkd Ct.18

W.P.A. 21330 of 2024

Rashbehari Mondal & Anr.

-vs-

The State of West Bengal & Ors.

Mr. Gouranga Kumar Das

....for the petitioners.

Mr. Akashdeep Mukherje,
Mr. Soummyadeep Nag,
Ms. Soumali Das

....for the respondent no.8.

Ms. Koyeli Bhattacharyya,
Mr. Bibek Dutta

....for the WBSSE.

Mr. Swapan Banerjee,
Mr. Soumen Chatterjee

....for the State.

Affidavit of service filed on behalf of the petitioners is taken on record.

The present writ petition has been instituted by the mother-in-law and father-in-law of the respondent no.8.

By presenting this writ petition petitioners have prayed for payment of proportionate amount which is to be made by the respondent no.8 being daughter-in-law in favour of her in-laws from the salary of the respondent no.8.

The reason behind such claim is appointment of the respondent no.8 on compassionate ground due to untimely death of her husband who is son of the petitioners. The

husband of the respondent no.8 was a primary teacher and due to death-in-harness respondent no.8 has been given appointment on compassionate ground. It needs to be recorded herein that the respondent no.8 is required to look after her only child.

The issue was under consideration by a coordinate Bench in connection with a writ petition being WPA 8780 of 2022 preferred by the present petitioners and while disposing of the said writ petition the coordinate Bench expressed serious doubt regarding maintainability of the writ petition. From the said order dated 21st March, 2024 it transpires that the issue was sent for mediation but the mediation failed.

Since the issue has already been decided by the coordinate Bench vide order dated 21st March, 2024, this Court finds that the writ petition is not maintainable.

Before parting with it needs to be observed that during course of hearing nothing is shown which confers right upon the petitioners to get a proportionate amount from the salary of the respondent no.8 on the count that the respondent no.8 was appointed on compassionate ground due to death-in-harness of the son of the petitioners.

Hence the writ petition stands dismissed.

However, there shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)