

Item-1. 21-02-2024

sg Ct. 8

MAT 1758 of 2023  
CAN 1 of 2023

Mamon Ghosh  
Versus  
State of West Bengal & Ors.

Mr. Phatick Chandra Das, Adv.  
Ms. Soma Chowdhury (Bandhu), Adv.  
Ms. Tithi Paul, Adv.  
...for the appellant  
Mr. Asif Iqbal Ahmed, Adv.  
...for respondent nos. 6&7  
Mr. Sujit Sankar Koley, Adv.  
...for the WBSEDCL  
Mr. Tapan Kumar Mukherjee, Id. AGP  
Mr. Somenath Naskar, Adv.  
Ms. Debdooti Dutta, Adv.  
...for the State

1. The parties are present before us. We do not appreciate the stand taken by the father-in-law objecting to the appointment of the daughter-in-law on compassionate appointment.
2. It is an admitted position that the father-in-law, being the respondent no.6 in this appeal, has constructed a three-storied building and presently he is receiving rent from a tenant occupying one of the floors of the said building. The respondent nos. 6 and 7 have also received their proportionate share of gratuity, group insurance and provident fund. The appellant is a widow. She has a minor daughter. Presently she is receiving pension.
3. In the facts and circumstances of this case, we do not also appreciate the stand taken by the father-in-law in refusing to give no objection certificate to the daughter-in-law. This conduct appears to be inhumane.

4. Under such circumstances, irrespective of the respondent nos. 6 and 7 giving any 'no objection' to the appointment of the daughter-in-law on compassionate ground, we direct the authorities concerned to accept the application, appearing at page 93 of the stay petition, as an application for compassionate appointment and process the same within one week from date and issue an appointment letter within a week thereafter.
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.
6. In view of the aforesaid order, there is no separate requirement for the wife to give an affidavit of undertaking.
7. With the aforesaid direction, the appeal and the application are, accordingly, disposed of. The order of the learned Single Judge is set aside.
8. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

**(Uday Kumar, J.)**

**(Soumen Sen, J.)**