

Item No. 26

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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 26300 of 2024

Tamal Das
Vs.
The State of West Bengal & Ors.

Mr. Saibal Acharya,
Mr. Bidyut Baran Biswas,
Mr. Ranjit Kumar Rath,
Mr. Alike Chakraborty.

.... For the petitioner.

Mr. Sirsanya Bandopadhyay,
Mr. Debopriyo Karan.

... for the State.

Mr. Ramij Munsii. ... for the private respondent.

Affidavit of service is filed on behalf of the
petitioner be taken on record.

One Sukumar Chandra was a MR dealer
being FPS No. 133600900061, who died intestate.
Petitioner is one of the relatives of the deceased MR
dealer (though not come under the definition of
relative according to WBPDS (M & C) order 2013).
He submits that he assisted the deceased MR
dealer for conduction of business after demise of
Sukumar Chandra, the FPS was tagged with
nearby another FPS dealer namely Kalyan Kumar
Balo. The petitioner having experience to run the

FPS business has applied before the authority with representation dated 27.08.2024, so that after demise of Sukumar Chandra he may be given licence to carry out the MR dealership business.

Learned counsel appearing on behalf of the petitioner as his usual fairness has submitted that though the application has not according to the Control Order 2013, but the authority concerned may take appropriate decision considering prevalent situation of the FPS. He prayed for necessary order for direction upon the authority concerned to dispose of his representation.

Learned counsel appearing on behalf of the State authority has submitted that the instant writ petition is not maintainable. The present petitioner is not a family member or relative of the deceased MR dealer, so he cannot be appointed under compassionate ground.

Private respondent is also one of the relative which is also not included under definition of relative/family member according to Control Order 2013.

Having heard the learned counsels and also considering the entire situation, it appears to that the present petitioner admittedly not within the definition of family member/relative under the Control Order 2013. The provision under Clause

20(vi) of WBPDS (M & C) order 2013 has provided for compassionate appointment for a particular family members of the deceased MR dealer. Petitioner being not within the definition of the family member is not entitle to file an application for compassionate appointment. Accordingly, I find no justification to direct the authority concerned to dispose of the representation of the petitioner.

However, considering the fact that the present petitioner approached this Court with a clean hand also considering the fact that the present petitioner has acquired some experience of FPS business, he may apply for new vacancy, if it published in the same locality. On that score, the authority concerned shall consider his application according to the law, with a noting that they shall consider the experience of the present petitioner at that time.

With this observation, the writ petitioner stands disposed of.

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

(Subhendu Samanta, J.)