

43 05.12.2024
NB Ct. 17

WPA 26626 of 2024

Anirban Das & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Dilip Kumar Maiti.
...for the petitioners.

Mr. Shanit Sanyal,
Ms. P. Pandey.
...for the respondent nos.2&3.

Mr. Amitava Chaudhuri
...for the State.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioner no.1 is the son and the petitioner no.2 is the wife of the deceased who was an employee of the Domkal College. The employee died in harness on 06.11.2019. The petitioners thereafter made several representations praying for compassionate appointment, the first one being dated 09.01.2022. The same has not been considered yet. By a memo dated 26.09.2024, the Higher Education Department (Appointment Branch) have made it abundantly clear that within a month of such death, the concerned employer shall inform the dependent family of the deceased or incapacitation about a scope for appointment on compassionate ground. The same was not done in the instant case.

Learned counsel appearing on behalf of the State denies the allegations made in the writ petition and submits as follows. The memo in question that was issued in 2024 is of a

later date. In the instant case, the petitioners did not apply for compassionate appointment within six months of the death as required under the existing scheme.

Be that as it may, it appears that representations have been made by the petitioners for compassionate appointment and the same have not been responded to as yet.

In view of the above and in the interest of justice, let the respondent no.3 consider the petitioners' representation made in this regard in accordance with law and as expeditiously as possible, preferably within a period of eight weeks from the next date of hearing. Within a week thereafter, the outcome of such consideration shall be communicated to the petitioners.

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)