

19.06.2024
Sl. No.2
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 25671 of 2023

Habib Saikh
Vs.
The Union of India & Ors.

Mr. Nilay Sengupta,
Ms. Sujata Mukherjee
....for the petitioner.

Ms. Chandreyi Alam,
Ms. Runu Mukherjee
....for Union of India.

The petitioner was a Constable in the Border Security Force (in short, BSF). A disciplinary proceedings was initiated against the petitioner which resulted in his dismissal from service. The order of dismissal had been assailed up till the Hon'ble Supreme Court. The challenge has failed and as such, the order of dismissal has attained finality.

The petitioner now says that under a scheme now in operation, the petitioner is entitled to compassionate allowance.

On behalf of the respondents, it is submitted that the petitioner has not yet applied for compassionate allowance and has directly approached this Court by filing this writ petition.

The writ petition is to be dismissed on that ground alone. However, taking a lenient view, this

Court feels that justice will be sub-served if the petitioner is given an opportunity to make an application for compassionate allowance within a period of fortnight from date.

In the event such application is made within the time-frame provided, the authority concerned without going into the issue of delay should consider the application on merits within a period of 12 weeks from the date of making the application, if any.

The application if made and the appropriate authority finds the prayer for compassionate allowance cannot be granted, the said authority shall pass a reasoned order disclosing the reasons for rejection.

Nothing further remains to be adjudicated in this writ petition. The same is accordingly disposed of.

Since I have not called for any affidavits, the allegations contained in the writ petition are deemed to have not been admitted by the respondents.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Arindam Mukherjee, J.)