

12.06.2024
Sl. No.76(DL)
srm

IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE

W.P.A. No. 1050 of 2024

Bunu Lama Tamang

Versus

The State of West Bengal & Ors.

Mr. Arijit Ghosh
...for the Petitioner.

Mr. Momenur Rahman,
Mr. Pradip Sarkar
...for the State-respondents.

Mrs. Swarnali Sengupta Ghosh,
Ms. Angana Rakshit
...for the Respondent No.5.

Mr. Uttam Kumar Mondal
...for the Respondent No.6.

1. The petitioner submits that the compensation was computed by the respondent No.5 after the accidental death of her husband, who was working under the project of the respondent No.5. A demand draft was deposited in the office of the respondent No.2. The said money has not been disbursed as the post of the respondent No.2 is vacant.
2. Unfortunately, although the respondent No.3 is discharging certain duties of the respondent No.2, it is

submitted that the judicial power to initiate a distribution case for disbursal of the employees' compensation was vested only on the respondent No.2.

3. It appears that the demand draft was issued in February, 2024. The Court apprehends that the demand draft shall become invalid due to lapse of time.
4. It is informed that the State government is yet to appoint the incumbent to the post of the respondent No.2.
5. Under such circumstances, the writ petition is disposed of with a request to the State government to fill up the post of the respondent No.2 expeditiously and preferably within a month so that the petitioner does not suffer, owing to such delay. The delay may result in expiry of the demand draft and the petitioner would again have to run from pillar to post and persuade the respondent No.5 to issue further demand drafts in this regard.
6. The authority should take note of the unfortunate event of the death of the petitioner's husband and the right of the legal heirs to the compensation.
7. This order be served upon the Chief Secretary, Government of West Bengal and upon the Principal Secretary, Judicial Department, Government of West Bengal.

8. The writ petition is, thus, disposed of.
9. There shall be no order as to costs.
10. Parties are directed to act on the basis of the server copy
of this order.

(Shampa Sarkar, J.)