

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

35 11.09.2024
kc Ct. no.2

WPA 1863 OF 2024

MR. JADAB ROY

Vs.

THE PRINCIPAL SECRETARY, PUBLIC
ENTERPRISES & INDUSTRIAL
RECONSTRUCTION DEPARTMENT,
GOVT. OF WEST BENGAL AND ORS.

Mr. Pratap Khati, Adv.
Ms. Bandana Rai, Adv.
....For the Petitioner

Mr. Nabankur Paul, Adv.
Ms. Rima Sarkar, Adv.
....For the State

Affidavit-of-service filed in Court today is taken on record.

The petitioner claims compassionate appointment. The father of the petitioner as an employee of Darjeeling Ropeway Company, a State Undertaking, died in harness on **April 3, 2009**. The petitioner applied for the compassionate appointment on **September 2, 2009**. Since then, the petitioner has not yet received any intimation from the concerned authority with regard to his claim for compassionate appointment, the petitioner submitted his last representation dated **August 9, 2024** through his advocate-on-record, **annexure P-13** at **page 35** to the writ petition.

Mr. Nabankur Paul, learned State Counsel being ably assisted by Ms. Rima Sarkar, learned State advocate appearing for the respondents, submits that there is no policy in existence to provide such compassionate appointment in the said State Undertaking.

In view of the above, the respondent no.1, the Principal Secretary, upon issuing the prior hearing notice of at least **seven days** to the petitioner and after granting an opportunity of hearing shall decide the said representation dated **August 9, 2024**, as referred to above, by passing a reasoned order in accordance with law.

It is made clear that the entire exercise shall be carried out and completed by the Principal Secretary within a period of **six weeks** from the date of communication of this order. The reasoned order shall be communicated to the petitioner within a further period of **two weeks** from the said reasoned order to be passed.

It is made clear that this Court has not gone into the merits of the case and the petitioner shall be at liberty to urge whatever points he wishes to urge by relying upon whatever documents and materials he wishes to rely upon before the Principal Secretary. The petitioner may participate in the hearing by himself and also through his duly authorised representative.

In the event the reasoned order goes in favour of the petitioner then the respondent no.1 and/or any other appropriate authorities shall take all necessary and consequential steps to give an immediate effect to the said reasoned order in accordance with law within a further period of **four weeks** from the date of communication of the reasoned order to such authority.

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

It is made clear that this order shall not create any right or equity in favour of the petitioner if the petitioner is not eligible to receive his claim in accordance with law.

With the above observations and directions, **WPA/1863/2024** stands disposed of, without any order as to costs.

(Aniruddha Roy, J.)