

OD-8

ORDER SHEET

WPO 249 of 2024

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

SAMBRITA GANGULY
VS.
KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:

The Hon'ble JUSTICE AMRITA SINHA

Date: 9th April, 2024.

Mr. Alak Kr. Ghosh, Mr. Dilip Kr. Chatterjee, Mr. Arijit
Mitra, Mr. Durga Bhusan Mukherjee, Advocates for the petitioner.

Mr. N. C. Bihani, Mr. Swapan Kr. Debnath, Advocates for K.M.C.

The Court : The petitioner seeks compassionate appointment. She happens to be a married daughter of a deceased employee of the Kolkata Municipal Corporation. The petitioner's prayer has been rejected by the authority on the ground of her marriage.

The fact that married daughters cannot be kept out of the zone of consideration for providing compassionate appointment has been set at rest by the larger Bench of this Court by the judgment delivered on September 13, 2017 in F.M.A. 1277 of 2015 (The State of West Bengal & Ors. V. Purnima Das & Ors.).

The same principle has been reiterated by the Hon'ble Division Bench of this Court in the judgment dated February 17, 2023 passed in MAT 698

of 2020 with CAN 1 of 2022 (Payel Bhattacharya Vs. Kolkata Municipal Corporation & Ors.).

In view of the settled law, there is no scope to refuse consideration of application seeking compassionate appointment on the ground of marriage of the daughter of a deceased employee. The impugned order dated 24th February, 2023 and the decision taken by the Special Regulation Committee in its 127th meeting dated 29th November, 2022 in respect of the petitioner is set aside.

The Corporation is directed to reconsider the prayer of the petitioner in the light of the judgments delivered in the matter of Purnima Das (supra) and Payel Bhattacharya (supra) after giving reasonable opportunity of hearing to the petitioner at the earliest, but positively within four months from the date of communication of this order. A reasoned order shall be passed and communicated to the petitioner immediately thereafter.

The writ petition stands disposed of.

Affidavit of service filed is taken on record.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon completion of usual legal formalities.

(AMRITA SINHA, J.)