

27.01.2025

Item no.DL/8
Court No. 23

Asraf, A.R.(Ct.)

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

WPA 1168 of 2024

**SUSIL MURMU
VS.
STATE OF WEST BENGAL & ORS.**

**Mr. Abul Moonsur
Mr. Keshab Chandra Das**
....for the Writ Petitioner

**Ms. Sangeeta Roy
Ms. Joyee Maiti**
....for the State

Mr. Sujit Sankar Koley
....for WBSEDCL

Supplementary affidavit filed by the petitioner in
Court today is taken on record.

The petitioner, Susil Murmu, is seeking
compassionate appointment as his father, Ganesh
Murmu, an employee of the West Bengal State
Electricity Distribution Company Limited (for short,
“WBSEDCL”) died in harness on 10th April, 2020. The
said Ganesh Murmu according to the petitioner was
survived by the petitioner and three daughters. Three
daughters are not party to the petition as they have
given “no objection” in favour of the petitioner for
getting the compassionate appointment. In an earlier

round of litigation by an order dated 15.11.2021 WBSEDCL was directed to consider the petitioner's application with the details that may be supplied within eight weeks from the date of the details being provided. The petitioner had submitted certain documents, on a scrutiny whereof, WBSEDCL has demanded "no objection certificate" from Smt. Rashmoni Murmu in the prescribed application form and also in the affidavit dated 28th May, 2022 wherein it is found that the name of Rashmoni Murmu has been stated as the wife of Ganesh Murmu.

It is an admitted position that the first wife of the petitioner died in 2012. A marriage by a Hindu during the subsistence of a previous marriage is void. In the instant case, if the employee (Ganesh Murmu) has married for the second time after the death of the first wife the marriage cannot be said to be void. Moreover, in the supplementary affidavit, the petitioner has himself referred to an agreement executed by and between the petitioner and the said Rashmoni Murmu (respondent no. 5) wherein the petitioner has admitted the claim of Rashmoni Murmu as the wife of his father, Ganesh Murmu, and have further agree to get the

compassionate appointment whereas Rashmoni Murmu will get the family pension.

In the aforesaid facts and circumstances, it is difficult for the petitioner to avoid the claim of Rashmoni Murmu as the second wife of his father. Ordinarily this dispute ought to be referred to the competent civil forum for due adjudication but since matter relates to the service related benefits of the deceased employee, it is prudent to relegate the matter to the employer for an enquiry to avoid the long drawn process before the Civil Court. This Court at the earlier round had relegated the matter to the employer for an enquiry upon production of documents and details by the petitioner. The enquiry could not be completed in view of the deficiencies in the documents produced as stated hereinabove.

The petitioner, therefore, in order to have the enquiry by the employer completed is required to submit the necessary documents and clarification as asked for by the employer. Only after the petitioner supplies the "no objection certificate" from Rashmoni Murmu or rectifies the affidavit as required, the employer (WBSEDCL) should be called upon to further proceed with the enquiry. It is made clear that

WBSEDCL will not be required to proceed any further with the enquiry for providing compassionate appointment to the petitioner as per the applicable scheme unless the petitioner complies with the requisite formalities and provides the necessary documents. In the event, the petitioner produces the requisite documents and / or clarification, then within twelve weeks from the date of such submission the Manager (HR & A) ES & ER-II Cell of WBSEDCL was considered the petitioner's case for further enquiry.

The petitioner and the respondents shall serve a copy of the writ petition and this order to Manager (HR & A) ES & ER-II Cell of WBSEDCL.

Nothing further remains to be adjudicated in this writ petition. The writ petition, accordingly, stands **disposed of.**

The parties are directed to act upon the server copy of this order duly downloaded from the official website of this High Court without insisting upon production of a certified copy thereof.

(Arindam Mukherjee, J.)