

03.04.2025

Item No. 03

Crt.No.02

b.r.

WPA 4534 of 2025

Injamul Haque

-vs-

The State of West Bengal & Ors.

Mr. Dipayan Kundu

Mr. Agnik Moulik

Mr. Nur Nobi Seikh

.... For the petitioner.

Mr. Supriyo Chattopadhyay, Ld. AGP

Mr. Manoj Mondal

... for the State.

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

Mr. Dipayan Kundu, learned Counsel appears for the petitioner.

The petitioner claims to be the son out of the first wedlock of the deceased employee and on the strength of such plea, he claims compassionate appointment.

Mr. Suprio Chattopadhyay, learned Additional Government Pleader appearing for respondent nos. 1 to 3, submits that the deceased employee subsequently had a second marriage and the employee had nominated the second wife as his sole nominee to receive all the service benefits,

accordingly service benefits were released in favour of the second wife.

Mr. Dipayan Kundu, learned counsel appearing for the petitioner submits through the instant writ petition, the petitioner only claims compassionate appointment and no other retiral benefits of the deceased employee.

After considering the rival contentions of the parties and upon perusal of the materials on record, it appears to this Court from the writ petition and the records disclosed through the same that, no link is established between the petitioner and the deceased employee that he is the son of the employee out of his first wedlock. More so, nomination was made in favour of the second wife to receive the entire terminal benefits of the deceased employee and accordingly such benefits have been received by the second wife. The second wife is not impleaded in this writ petition.

On an overall assessment of the issue, it appears to this Court that disputed questions of facts are involved which requires a detailed fact finding enquiry by way of a complete trial, this is not the job of writ Court.

Accordingly, this writ petition, **WPA 4534 of 2025** stands **dismissed**, without any order as to costs.

It is made clear that this Court has not expressed its opinion or any observation on the merits of the claim of the petitioner, if any.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)