

Court No. 2

30.6.2025

(Item No. 15)

(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 11654 of 2025

Smt. Rakhi Jana

VS

The State of West Bengal & Ors.

Md. Saifur Rahaman

.... For the petitioner

Ms. Noelle Banerjee

Mr. Ritoban Sarkar

.... For the respondent nos. 1 to 4

Md. T. M. Siddiqui

Mr. Tanoy Chakraborty

.... For respondent No. 5

One **Kalidas Jana** was the deceased employee of respondent no. 5, Zoological Gardens, Alipore, Kolkata. The employee died-in-harness when the petitioner describing herself as the widow applied for compassionate appointment and has also received such compassionate appointment. The petitioner is also working as such. The petitioner now claims the gratuity payable on account of the deceased employee. The petitioner has submitted a representation dated **March 14, 2023, annexure P-5 at page 20** to the writ petition through her learned advocate, the same has not been considered.

Mr. Tanoy Chakraborty, learned counsel led by Mr. T. M. Siddiqui, learned senior counsel appearing for respondent no. 5 submits that, while applying for compassionate

appointment the petitioner suppressed that the mother of the employee was then alive but suppressing such fact at the relevant point of time the compassionate appointment was obtained on **February 19, 2013**. The employee died on **January 2, 2012**. The mother of the employee ultimately died on **August 14, 2021**, **annexure P-2** at **page 15** to the writ petition. Since a question with regard to the conduct of the petitioner was raised, which was evident from record, the respondent no. 5 by its communication dated **August 24, 2012** asked for production of succession certificate.

With the foregoing discussions the fact is evident today that the mother of the deceased employee **Parul Jana** since deceased has died on **August 14, 2021** as would be evident from the death certificate at **page 15** to the writ petition. The petitioner has already received the compassionate appointment and has been working.

Thus, this Court is of the considered view that, it is no more required to go into the question of succession in respect of the gratuity payable on account of the deceased employee, since the petitioner is admittedly the widow of the employee.

In view of the above, the appropriate authority of the Zoological Gardens, Alipore is directed upon verification of all records and compliance of all the legal formalities to disburse and pay the gratuity in favour of the petitioner along with interest @ **6% per annum** since the representation of the petitioner dated **March 14, 2023, annexure P-5** at **page 20** to the writ petition, considering the fact that, the petitioner has already received the compassionate appointment on **February 19, 2013**. The payment shall be made positively within a period of **two months** from the date of communication of this order.

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

With the above observations and directions this writ petition **W.P.A. 11654 of 2025** stands **disposed of**, without any order as to costs.

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

(Aniruddha Roy, J.)