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

**W.P.A. 12280 of 2023**

**Srikanta Let  
-Vs-  
The State of West Bengal & ors.**

Mr. Fazlul Haque  
Mr. Panchanan Let  
... for the petitioners

Mr. Bipin Ghosh  
... for the State-respondent

Report of Deputy Secretary, Panchayat and Rural Development Department, Government of West Bengal is taken on record.

This writ petition is filed for setting aside the letter issued under memo no.I/387105/2023 dated 17<sup>th</sup> April, 2023 issued by respondent no.3, Assistant Secretary, Panchayat and Rural Development Department, Government of West Bengal, informing the department's inability to accede to the proposal for appointment on compassionate ground being died-in-harness category in favour of the petitioner, Sri Srikanta Let.

The petitioner contends that proposal for appointment on compassionate ground of the petitioner was turned down by the department on the sole ground that there was late submission of *proforma* application after nine years of death of his father. The order of the District Magistrate, Birbhum pursuant to order passed by

this Court passed in WP No. 16925 (W) of 2010 clearly records that the petitioner submitted the application before the Block Development Officer, Nalhati-I in prescribed format and the District Magistrate, Birbhum passed order after perusal of all relevant documents recommended for consideration of the appointment of the petitioner in the post of Group 'D'. Since no steps were taken the petitioner once again filed a writ petition being WP 31033(w) of 2014 and the matter was relegated to the concerned department. The letter impugned of respondent no.3, Assistant Secretary, Panchayat and Rural Development Department, Government of West Bengal is baseless since the petitioner previously complied with the requirement under the rule. Being aggrieved by such order, the petitioner preferred the present writ petition.

Mr. Fazlul Haque, learned Advocate for the petitioner submits that the name of the petitioner was previously recommended for appointment in the post of Group 'D' by the District Magistrate, Birbhum. There is no reflection in the order of District Magistrate that the petitioner did not comply with the existing Rules. Therefore, the ground of non-submission of *proforma* application by the petitioner in the impugned letter is without any basis and without reference to relevant records. He seeks for setting aside of the letter of the respondent no.3, Assistant Secretary, Panchayat and

Rural Development Department, Government of West Bengal dated 17<sup>th</sup> April, 2023.

Mr. Bipin Ghosh, learned Advocate for the State submits that as per the report of the Deputy Secretary, Panchayat and Rules Development, Government of West Bengal, the records could not be traced out. The petitioner has not submitted application in proper format and on such ground the appointment on compassionate ground has been turned down as there is requirement for submission of the same in view of notification no.251-Emp dated 3<sup>rd</sup> December, 2013 and notification no.26-Emp dated 1<sup>st</sup> March, 2016 of the Labour Department, Government of West Bengal. He seeks for dismissal of the writ petition.

Pursuant to the order passed in W.P.16925(W) of 2010 the co-ordinate Bench of this Court directing the District Magistrate, Birbhum to consider the petitioner's application within a period of four weeks from the date of communication of the order, the concerned District Magistrate on 28<sup>th</sup> December, 2010 passed the following order as hereunder:

*“ Heard the petitioner, Srikanta Let. The petitioner states that he is a permanent resident of Village-Atgram, P.O. Kalitha, P.S. Nalhati under Nalhati-I Development Block. He passed Class VIII in the year 2002. He states that on account of expiry of his father, Ratan Kumar Let, on 23/07/2008 the bereaved family had been put into great financial hardship. He had applied before the authority for an employment on compassionate ground as his father, who was a Gram Panchayat Karmee of Paikpara Gram Panchayat under Nalhati-I Development Block, died while in service. He was compelled to move the High Court as he was not given appointment under died-in-harness category.*

*Block Development Officer, Nalhati-I Development Block has sent the proposal for appointment of Srikanta Let on Compassionate ground in Prescribed Proforma of Part-I, II, III along with all the connected papers including 3-Men Committee report. It is admitted by the Enquiry Committee as well as Block Development Officer, Nalhati-I Development Block, that Sri Let may be considered for Employment as Group-D Post.*

*Now, therefore, considering all aspects of the case, I am of the opinion that the prayer of Srikanta Let, along with all the connected documents fulfill the eligibility conditions for employment for a Group-D Post in die-in-harness category and the case is recommended for forwarding to thre Commissioner, Panchayats & Rural Development, West Bengal for considering the prayer on the light of No.114-Emp dated Kolkata, the 4<sup>th</sup> August, 2008 of the Chief Secretary to the Government of West Bengal and existing Govt. order and circular for appointment on Compassionate ground.*

*District Magistrate,  
Birbhum”*

The aforesaid order clearly records that the Block Development Officer, Nalhati-I Development Block has sent the proposal for appointment of the petitioner on compassionate ground in prescribed proforma of Part-I, II and III including 3-Men Committee report. The Enquiry Committee as well as the Block Development Officer, Nalhati Development Officer admitted that the case of the petitioner for employment in the post of Group-D may be considered. Accordingly, upon coming to the opinion that the petitioner fulfils all eligibility conditions for employment in the post of Group-D in die-in-harness category, the District Magistrate recommended to the Commissioner, Panchayat and Rural Development, West Bengal for considering the appointment of the petitioner on compassionate ground. It is not in dispute that such order of the District Magistrate dated 28<sup>th</sup> December, 2010 has not been considered in the letter dated 17<sup>th</sup> April, 2023 of the respondent no.3, Assistant Secretary,

Panchayat and Rural Development Department,  
Government of West Bengal.

Needless to mention that the proposal for appointment on compassionate ground of the petitioner was forwarded to the Joint Secretary, Government of West Bengal on 28<sup>th</sup> July, 2011 by Commissioner, Panchayat and Rural Development, West Bengal.

In earlier writ petition being WP 31033(W) of 2014, following order was passed by this Court:-

*“Since I am not getting any assistance from the State respondents and do not get their version and have no way of knowing where the matter is really lying, I dispose of the writ petition by directing the concerned Special Secretary, i.e. the added respondent to consider the recommended proposal vis-à-vis the vacancy position in Birbhum. The concerned Special Secretary is directed to take all necessary steps so that the petitioner’s case is considered maintaining the seriality. If for that, approval of any authority is necessary, the concerned Special Secretary shall also take appropriate steps for the same. The Court expects the office of the concerned Special Secretary to keep the petitioner informed of the latest development from time to time. The entire exercise is to be completed within a period of 12 weeks from the date of communication of this order.”*

In the aforesaid backdrop, the letter under challenge dated 17<sup>th</sup> April, 2023 of the respondent no.3, the Assistant Secretary, Government of West Bengal, Panchayat & Rural Development, is hereby set aside.

Accordingly, the respondent no.3, the Assistant Secretary, Government of West Bengal, Panchayat & Rural Development, is directed to consider and decide the appointment of the petitioner on compassionate ground on the basis of the order passed by the District Magistrate, Birbhum dated 28<sup>th</sup> December, 2010 as well as in the light of the aforesaid order of this Court in WP

31033(W) of 2014, within a period of six weeks from the date of communication of this order.

Petitioner is directed to communicate this order to respondent no.3, Assistant Secretary, Panchayat and Rural Development Department, Government of West Bengal.

With the aforesaid direction, this writ petition being **WPA 12280 of 2023** stands disposed of.

All connected applications, if any, stand disposed of.

Interim order, if any, stands vacated.

Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

All parties are to act on the basis of website copy of this order.

**(Bivas Pattanayak, J.)**