

HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

Present:

THE HON'BLE JUSTICE JAY SENGUPTA

WPA 23027 of 2024

Ajoy Paramanik

versus

The State of West Bengal and others

For the petitioner

Mr. Pradyot Kumar Nandi
Ms. Anjana Sengupta
Ms. Subhra De
Ms. Durga Chowdhury

For the State

Mr. Swapan Kumar Datta
Mr. Rajat Dutta

For the respdt. Nos.4-6

Mr. Subhrangsu Panda
Ms. Ira Bhattacharyya
Ms. Mithu Singha Mahapatra

Heard on

15.01.2025

Judgment on

15.01.2025

JAY SENGUPTA, J:

This is an application praying for direction upon the respondent authorities to issue appointment letter and/or regularise the service of the petitioner under died in harness category as laboratory attendant in Geography Department of the respondent Asutosh College.

Report filed by the Bursar, Asutosh College, as per direction of this Court, is taken on record. Copies of the same are handed over to learned Advocates for the other side.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner's father died in harness on 02.02.2004 while working at the respondent College. As a temporary measure, the petitioner was given compassionate appointment by the College. Applications were made to the State for appointment on compassionate ground, but the same was denied. Reliance is placed on an order dated 14.02.2020 passed by a Coordinate Bench of this Court in WP 4228 (W) of 2019. There, the respondent DPI was directed to consider the petitioner's claim for compassionate appointment although it is contended on behalf of the State that there was no particular scheme for such purpose. Subsequently, the appointment was approved by the State authorities in that case.

Learned senior counsel representing the State denies the allegations and submits as follows. The College appointed the petitioner on its own without taking the State's approval. This is not the manner in which a person can be appointed on compassionate ground. Moreover, there was no existing scheme of compassionate appointment for such purpose. The petitioner has not disclosed any formal appointment letter. In fact, the whole issue of whether the compassionate appointment can be granted in absence of any particular scheme is pending before the Hon'ble Apex Court.

Learned counsel for the respondent College relies on the report and submits as follows. As an exigent measure, the College thought it fit to give temporary appointment on compassionate ground to the petitioner. Remuneration, thus far, is being paid by the College authorities. According to the report of the Bursar, after the death of the petitioner's father the family of the deceased was facing huge financial hardship because the deceased employee was the only earning member in the family. After such appointment, the petitioner has served for two decades in the College. But, his appointment on compassionate ground has not yet been considered by the DPI. The Financial status of the family of the petitioner has not improved at par with a permanent employee's financial status. The petitioner is the only earning member in the family of six.

It is, indeed, true that the College authorities had granted temporary appointment to the petitioner and had been paying remuneration from their own fund. But, it would still be open to the DPI to consider the petitioner's case for compassionate appointment.

It is pertinent to mention that as per Bursar's report, at the time of death of the employee/the petitioner's father, their family had faced tremendous financial hardship. Even now the financial condition of his family is not at par with a permanent employee.

In view of the above, let the respondent No.2 consider the petitioner's claim for compassionate appointment in accordance with law and in the light of the observations made in this order. He shall pass a reasoned order upon granting opportunity of hearing to the petitioner and the representative of the College in question. The entire exercise shall be concluded within eight weeks from the date of communication of this order. Within a week thereafter the outcome of such consideration shall be communicated to the petitioner.

In the event the petitioner's claim deserves acceptance, necessary follow up steps would be taken by the respondents forthwith.

With these observations and directions, the writ petition is

disposed of.

As affidavits were not called for, allegations contained in the writ petition are deemed not to have been admitted.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)

27/SG