

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

15 18.6.2025
Sc Ct. no.2

WPA 26936 OF 2023

Smt. Labani Banerjee

Vs.

The State of West Bengal & Ors.

Mr. Gobinda Das Mitra

.....For the Petitioner

Ms. Deblina Chatteraj

Ms. Poulami Chattopadhyay.

.....For the Respondent

Nos.2 to 5

Mr. Gobinda Das Mitra, learned advocate appears for the petitioner.

Ms. Deblina Chatteraj, learned advocate with Ms. Poulami Chattopadhyay, learned advocate appear for the respondent nos. 2 to 5.

The husband of the petitioner was an employee of the respondent no.2 who died on **November 19, 2013** during his employment, **Annexure-P1 at page 10** to the writ petition. The petitioner by a letter dated **December 31, 2013** applied for compassionate appointment for the dependant son, **Annexure-P4 at page 13** to the writ petition. The application was then submitted through a prescribed format on **February 4, 2015, Annexure-P5 at page 14** to the writ petition. Till

date the respondent no.2 has not decided the said application.

Mr. Gobinda Das Mitra, learned advocate appearing for the petitioner submits that it is a fit case where compassionate appointment should be granted to the son of the deceased employee, as prayed for.

Ms. Deblina Chatteraj, learned counsel appearing for the respondent nos. 2 to 5 submits that the source of compassionate appointment is the scheme for the same. In the instant case, the respondent no.2 does not have any such scheme for compassionate appointment. Hence, no compassionate appointment can be granted in the fact of this case.

Be that as it may, the admitted fact is that, the application submitted through the prescribed format is pending since **February, 2025**.

In view of the above, the petitioner shall serve a copy of the writ petition with all annexures along with a copy of today's order upon the respondent no.3 forthwith.

The respondent no.3 then upon issuing a prior hearing notice of at least **seven days** to the petitioner and the applicant son and after granting them an opportunity of hearing shall decide the fate of the application by passing a reasoned order in accordance with law.

It is needless to mention that the petitioner and the applicant son shall be entitled to participate in the hearing along with their authorized representative.

The entire exercise shall be carried out and completed by the respondent no.3 positively within a period of **six weeks** from the date of communication of this order. The reasoned order then shall be communicated to the petitioner and the applicant son positively within a further period of **one week** from the date of the said reasoned order to be passed.

In the event the reasoned order goes in favour of the petitioner then the same shall be forwarded to the appropriate State authority by the respondent no.3 positively within a period of **two weeks** from the date of the said reasoned order to be passed and the appropriate State authority then shall take all necessary and consequential steps in accordance with law to give an immediate effect to the said reasoned order but positively within a period of **two months** from the date of communication of the said reasoned order to such State authority.

It is made clear that, this Court has not gone into the merits of the rival contentions of the parties. All points are kept open to be decided by the respondent no.3 in accordance with law.

The petitioner shall be entitled to produce whatever records and documents she wishes to produce before the respondent no.3 during the hearing.

It is also made clear that, this order shall not create any right or equity in favour of the petitioner or the

applicant son, if they do not succeed to their claim before the respondent no.3 strictly in accordance with law.

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

With the above observations and directions, this writ petition, **WPA 26936 of 2023** stands disposed of, without any order as to costs.

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

(Aniruddha Roy, J.)