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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

WPO/1336/2023

JOY DAS
VS
THE STATE OF WEST BENGAL AND ORS

BEFORE:

The Hon'ble JUSTICE ANIRUDDHA ROY

Date : 22nd May, 2025.

APPEARANCE:

Mr. Sabyasachi Chatterjee, Adv.
Mr. Aleashdeep Mukherjee, Adv.
..for the petitioners.

Mr. Santanu Kumar Mitra, Adv.
Ms. Parna Roychoudhury, Adv.
for State Respondent.

The Court:- The father of the petitioner was an employee of respondent no.2. The father died on **November 29, 2007** during the tenure of his employment. The mother of the petitioner being widow first applied seeking compassionate appointment. The application was not considered and kept pending. At this juncture, the petitioner being the son of the deceased employee applied seeking his appointment as compassionate appointment. Document at **page 17** to the writ petition dated **February 15, 2011** shows the application of the son being the petitioner herein was under process and the authority was in seisin of that.

The petitioner was ultimately given an appointment as a contractual conductor but not against any sanctioned post. The records show that no final decision has been taken by the authority with regard to the application of the petitioner for compassionate appointment.

Relying upon an order passed by a coordinate Bench dated **April 27, 2022** in **WPO/1240/2021 In the matter of : Upendra Kumar vs. The State of West Bengal & Ors.**, Mr. Sabyasachi Chatterjee, learned Counsel appearing for the petitioner submits that under the similar facts situation the coordinate Bench directed the respondent no. 2 to consider the case of the applicant seeking compassionate appointment along with other consequential directions, as would be evident from the order.

Mr. Chatterjee prays for disposal of this writ petition in the same light as that of **In the matter of : Upendra Kumar (supra)**.

Respondent nos. 2 to 6 are not represented.

This Court in the facts of this case is of the opinion that by keeping this writ petition pending, no further fruitful purpose shall be served. Accordingly, the following directions are made:

- (1) The petitioner shall serve a copy of the entire set of writ petition with annexures along with a copy of today's order upon respondent no.4.
- (2) Respondent no. 4 then upon issuing a prior hearing notice of at least seven days to the petitioner and after granting him an opportunity of hearing shall decide the issue by passing a reasoned order in accordance with law.

(3) The entire exercise shall be carried out and completed by respondent no. 4 positively within a period of **Six Weeks** from the date of communication of this order and the reasoned order shall be communicated to the petitioner within a further period of **One Week** from the date of the said reasoned order to be passed.

It is made clear that this Court has not gone into the merits of the claim of the petitioner and the merit of the writ petition. The petitioner shall be at liberty to urge whatever points he wishes to urge by relying upon whatever records, documents and orders he wishes to rely upon before the respondent no. 4, but the same shall not travel beyond the scope of the case made out in this writ petition.

In the event the reasoned decision goes in favour of the petitioner, the appropriate authority shall give immediate effect thereto but positively within a period of **Six Weeks** from the date of the said reasoned order to be passed, upon compliance of all necessary formalities in accordance with law.

It is needless to mention that while deciding the issue the respondent no. 4 shall also consider the order of the coordinate Bench **In the matter of: Upendra Kumar (supra)** and their subsequent decisions which are made part of the writ petition. From the document at **page 29** to the writ petition, it appears that the respondent no. 2 has already acted upon the said decision of the coordinate Bench.

Since affidavits are not called for, 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 being **WPO/1336/2023** stands disposed of without any order as to cost.

Urgent certified photo copies of this order, if applied for, be supplied to the parties subject to compliance of all requisite formalities.

(ANIRUDDHA ROY, J.)

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