

F.M.A. 1366 of 2025
With
CAN 1 of 2025
Sanjay Kundu
Vs.
Union of India & Ors.

Mr. Sabyasachi Chatterjee,
Mr. Kiron Sk.
Ms. Monalisha Sinha

...for the Appellant

Mr. Souvik Nandy, Sr. Adv.,
Mr. Arijit Majumdar,
Ms. Shreyashi Sarkar

...for the U.O.I.

Mr. Aritra Ghosh

...for the private respondent

1. Affidavit of service filed on behalf of the appellant is taken on record.
2. Heard the learned advocate for the appellant and the learned advocate representing the Union of India as well as the learned advocate for the private respondent.
3. The petitioner's application for compassionate appointment was not entertained, since there was a dispute between the petitioner and his sibling (elder brother) inter se. The elder brother was not giving a 'No Objection Certificate' to facilitate petitioner's consideration.
4. In this context the Hon'ble Single Judge in the order dated 08.07.2025, passed in WPA 16134 of 2024, directed as follows :

"13. The petitioner is at liberty to resolve the issue within the family and to produce the 'No Objection Certificate' before the appropriate authority. It is

clarified that, if such 'No Objection Certificate' is submitted by the petitioner, his claim for compassionate appointment shall be considered in accordance with law within a period of eight weeks from the date of submission of the said certificate.

14. With this observation and order, the writ petition is disposed of."

5. The writ petitioner was of the view that his claim was required to be processed irrespective of a '*No Objection*' being given by his elder brother. So he filed the present Intra Court Appeal.
6. Today, the elder brother is represented thorough a learned advocate, Mr. Aritra Ghosh.
7. The learned advocate for the Union of India has handed over a copy of a report dated 20.04.2026.
8. From the report, we find that since passing of the order by the Hon'ble Single Judge on the petitioner's writ petition on 08.07.2025, the issue was resolved, since a '*No Objection*' has been given by the petitioner's elder brother.
9. The order of the Hon'ble Single Judge in the writ petition was not challenged by the Union of India. Therefore, there is no difficulty now for the respondents to proceed with consideration of the petitioner's claim in terms of the order passed by the Hon'ble Single Judge.

10. To facilitate such consideration, it is submitted by the learned advocate for the Union of India that the petitioner may be required to fill up a proforma application so that all the parameters requisite for consideration are made available to facilitate a just and proper consideration of this claim in accordance with the extant Scheme.
11. The petitioner's learned advocate has no objection to submission of such a proforma application to facilitate consideration in terms of the Hon'ble Single Judge's order.
12. Let the authority hand over a copy of the proforma to the writ petitioner within a week from date.
13. Thereafter, The petitioner should submit the proforma filling up the requisite parameters and supplying the requisite information/documents, within two weeks.
14. It is expected that a final decision will be taken on the petitioner's claim within eight weeks from the date of submission of the proforma application.
15. The appeal is accordingly disposed of.
16. Pending application also stands disposed of.

(Madhuresh Prasad, J.)

(Prasenjit Biswas, J.)