

08.07.2026
Ct. No.18
Sl. No.24
akd

W. P. A. 29728 of 2025

[Pinki Nath Das -Vs- The State of West Bengal & Ors.]

Mr. Samim Ahammed
Ms. Reshma Khatun
Md. Narirul Haque

... .. for the petitioner

Mr. Supriyo Chattopadhyay

... for respondent nos. 3 to 5

[West Bengal State Electricity Distribution Company Ltd.]

1. The petitioner is the wife of the deceased employee who was employed with the respondent no. 3. The petitioner has applied for appointment on compassionate ground in the place and stead of her late husband. The petitioner seeks her entitlement on the basis of the recruitment policy of the respondent no. 3 which specifically enshrines employment on compassionate ground under Clause 6 thereof.
2. Clause 6(g) is clear and unequivocal that no other person, other than the spouse, son and unmarried daughter who were fully dependent on the deceased/permanently incapacitated employee shall be considered as a dependent of such employee for this purpose. Thus, the petitioner is entitled to be considered for appointment on compassionate ground by the respondent authorities.
3. The insistence of the respondent authorities to obtain a 'No Objection Certificate' from the mother-in-law of the petitioner seems unjustified. This, since the mother-in-law, the mother of the deceased employee has not been construed as a dependent of such an employee in any manner, nor can it be said from an assimilation of the Recruitment Policy, 2010 of the

respondent no. 3 that the mother can be construed as a '*fully dependent person of the deceased employee*'.

4. On the contrary, the mother draws a substantial amount on account of pension received by her upon the death of her husband who was also an employee of the respondent no. 3. The amount drawn, an approximation whereof has been given at the time of hearing seems sufficient to cover her monthly expenses. The petitioner, on the other hand, is a young lady with two minor children, whose well being has to be looked after by the petitioner alone.

5. I do not find any reason for the respondent authorities to insist on a '*No Objection Certificate*' from the mother of the deceased employee, to enable the petitioner to be considered for appointment on compassionate ground.

6. In view of the afore-stated, I direct the respondent authorities to consider the application of the petitioner dated April 18, 2023 along with the proforma submitted thereof without insisting for any further documents or even a '*No Objection Certificate*' from the mother of the deceased employee. Let this entire process be completed by August 31, 2026 to enable the petitioner to be employed in service on compassionate ground, if found otherwise eligible to ensure that she can join service from September 1, 2026.

7. At this juncture, Mr. Supriyo Chattopadhyay, learned Advocate representing the WBSEDCL submits that the Rules have undergone a change in 2023. However, he fairly submits that since the employee had expired some time in 2022, the applicable Rules would be that of 2010 and not of 2023. It is only in the light of the Recruitment Policy of 2010 and Rules

thereof of the respondent no. 3 that the present order has been passed.

8. With the afore-stated directions, WPA 29728 of 2025 is disposed of.

9. There shall be no order as to costs.

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

(Reetobroto Kumar Mitra, J.)