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10.09.2021.
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

**W.P.A 14858 of 2005
(Via Video Conference)**

**Mrinal Kanti Kumbhakar
-versus
The State of West Bengal & Ors.**

**Mr. Dilip Kumar Sinha.
...For the Petitioner.**

**Mr. Rajarshi Basu,
Mr. K.M. Hossain.
...For the State.**

The father of the petitioner was an employee of a College affiliated to the Burdwan University. He died-in-harness on 21st January, 2002 after rendering 19 years of service.

An application was made by the petitioner on 25th January, 2002 seeking employment on compassionate ground. The said application not being considered by the respondent authorities the petitioner approached this Court by filing a writ petition being W.P. 16217(W) of 2003. The said writ petition was disposed of by an order dated 10th November, 2003 whereby the Court directed the Director of Public Instruction to consider the application made by the petitioner in accordance with law within a stipulated time period.

The Director of Public Instruction by an order dated 6th January, 2004 disposed of the application filed by the petitioner by directing that the petitioner may contact the Principal of the College and provide

him with requisite information so that the College Authority may send his application at an early date. The Director of Public Instruction observed that the College Authority never brought the matter of appointment of the petitioner on compassionate ground either before the Directorate or the Education Department. During hearing, the Principal of the College admitted that the College did not send any specific proposal to the Directorate for the appointment of the petitioner on compassionate ground. The Directorate sanctioned admissible gratuity and family pension to the widow of the employee.

According to the petitioner, after the order was passed by the Director of Public Instruction, the College Authority forwarded the documents of the petitioner to the office of the Director of Public Instruction. No step was, however, taken thereafter.

The petitioner once again approached this Court by filing the present writ petition in August 2005.

On 13th December, 2005, the Court directed that the writ petition should be finally decided after filing of affidavits by the parties and there is no scope for granting any interim order on this petition.

It appears that since thereafter, no step was taken by the petitioner to get the writ petition heard. By an order dated 9th March, 2015, the writ petition stood dismissed for default.

An application for restoration was filed after a delay of 758 days. The restoration application was allowed by an order dated 2nd September, 2021. Presently, the writ petition is taken up for final hearing.

It appears that though the petitioner applied for being appointed on compassionate ground in the right earnest but thereafter no step was taken by the petitioner to proceed with the matter. The matter remained pending in the records of the Court for more than 15 years.

The cardinal principal while deciding matters regarding appointment on compassionate ground is to provide immediate financial assistance to the family of the deceased. Compassionate appointment cannot be claimed as a matter of right.

In the instant case, the employee expired in the year 2002. Presently in the year 2021 there cannot be any justification to show compassion to the family of the deceased employee. The immediacy with which the matter ought to have been proceeded is glaringly missing. The urgency in the matter faded with efflux of time.

The matter has been delayed for nearly 20 years and it will not be proper to entertain the prayer of the petitioner praying for compassionate appointment at such a delayed date.

In view of the above, no relief can be granted to the petitioner in the instant case.

The writ petition stands dismissed.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)