

22.03.2021
SL No. 21
Court No.24
(P.M.)

WPA 1314 of 2021
Sanjib Singha Roy
Vs.
The State of West Bengal & Ors.

Mr. Amitabrata Roy
... for the petitioner

Mr. Tapas Kr. Ghosh.
Mr. Tanmoy Chowdhury
.... For the respondent No. 3

Mr. Biswabrata Basu Mallick.
Mr. Sanjib Das

.... For the State.

The petitioner seeks compassionate appointment. The father of the petitioner was an employee of the Hooghly Chinsurah Municipality. He died in harness on 25th June, 2010. The wife of the deceased employee applied before the Municipality for providing compassionate appointment to her son on 15th September, 2010.

It has been submitted by the petitioner that on receipt of the application from the wife of the employee the Municipality employed the petitioner as a temporary contractual staff of the Municipality at a very meagre remuneration.

Prior to appointing the petitioner the financial condition of the petitioner's family was assessed by the Municipality and on being satisfied that the family requires compassionate appointment to tide over the crisis, appointment was given to the petitioner. The petitioner is still now in service in the Municipality.

The petitioner prays for a direction upon the respondent authority to recruit him on regular basis in the died in harness category.

The learned advocate appearing for the State respondent vociferously opposes the application of the petitioner. It has been submitted that the father of the petitioner expired in the year 2010 and the petitioner has approached this Court for relief in the year 2021.

It has been submitted that the writ petition is liable to be dismissed on the ground of delay alone.

It is settled law that application for appointment on compassionate ground ought to be taken up for consideration at the very first instance. The Municipality considered the application of the petitioner and on being satisfied that the petitioner fulfills the eligibility criteria appointed him as contractual temporary employee of the Municipality. The petitioner is serving till date.

The prayer of the petitioner for regularization of his service or for appointing him on permanent basis cannot be allowed by the Court at this stage.

Compassionate appointment cannot be claimed as a matter of right. The petitioner was provided contractual temporary employment but thereafter the petitioner did not press his claim for being appointed on permanent basis. At such a delayed stage no direction can be passed upon the respondent authority for consideration of his case for being appointed on permanent basis. As the petitioner is already

in service it will be open for the Municipality to take steps for appointing the petitioner on regular basis, in accordance with law.

WPA 1314 of 2021 stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)