

S/L 7
19.03.2021
Court No.26
SD

WPA 5375 of 2021
(Via Video Conference)

Anirban Banerjee @ Anirban Bandyopadhyay
Vs.
The State of West Bengal & Ors.

Ms. Mousumi Bhowal

...for the Petitioner.

Mr. Pinaki Dhole

Ms. Ananya Neogi

...for the State.

Dr. Chapales Bandyopadhyay

Ms. Anandamayee Dutta

...for the WBCSSC.

This is an application under Article 226 of the Constitution of India wherein the writ petitioner is aggrieved by the inaction on the part of the respondent authorities in considering his representation dated November 27, 2020 with regard to compassionate appointment on the death of his father in the year 1988.

It is clear from the facts that the employee concerned expired 32 years ago. Subsequently, the wife of the employee had made an application in the year 1988 for compassionate appointment. Subsequently, in the year 1993 the mother of the petitioner and the petitioner once again applied seeking appointment for the petitioner. It is the case of the petitioner that since 1993 no steps have been taken.

A catena of judgment of the Supreme Court had categorically held that the compassionate appointment is given to a member of the family of the deceased employee who dies-in-harness to meet the urgent financial exigency that may arise upon the sudden death of the employee.

The fact of the matter is that compassionate appointment is an exception to Articles 15 and 16 of the Constitution of India and has to be granted specifically as per the scheme/rules framed by the Government/institutions. In the present case, there has been an inordinate delay in approaching this Court, that is, a period of almost 30 years, for relief for the purpose of compassionate appointment.

Accordingly, this Court is not able to grant any specific relief. However, it would be appropriate that the representation dated November 27, 2020 made before the District Inspector of Schools (S.E.), Hooghly be disposed of by the officer concerned within a period of twelve weeks from date.

I make it clear that the officer concerned shall pass a reasoned order in accordance with law and the observations made in the writ petition may also be kept in mind.

With these above observations and directions, this writ petition stands disposed of.

Since, no affidavit-in-opposition has been called for the allegations made in the writ petition are deemed to have not been admitted by the respondents.

There will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Shekhar B. Saraf, J.)