

Item No.214

In The High Court At Calcutta
Constitutional Writ Jurisdiction
(via video conference)

27.04.2021
Ct-13

W.P.A.6900 of 2021
Sourabh Barui & Anr.

v

The State of West Bengal & Ors.

Mr. Debabrata Saha Ray
Mr. Falguni Bandyopadhyay
... for the petitioners.

The father of the petitioner no. 1 died in harness on January 22, 2008. He was working as Sub-Assistant Engineer in the office of the Purulia Zilla Parishad. The mother of the petitioner made an application for appointment on compassionate grounds on April 3, 2008. In November 2010 the mother of the petitioner requested the authorities to give compassionate employment to the petitioner no. 1 in her place in view of her poor physical and mental condition. The petitioner no. 1 attained majority in 2013. The petitioner did not take any steps except to make representations to the Purulia Zilla Parishad.

For some strange reason on January 4, 2016, eight years after the death of the father of the petitioner no. 1 a Three Man Committee was constituted and a report was submitted to the Purulia Zilla Parishad. The

Purulia Zilla Parishad is stated to have requested the Joint Secretary to the Government of West Bengal to consider the case of the petitioner with their recommendation for employment.

The Purulia Zilla Parishad has for strange reason kept two vacancies and has proceeded with the recruitment of the balance two posts.

In the year 2019 the Purulia Zilla Parishad sent reminders to the Joint Secretary of the Government of West Bengal, Panchayat and Rural Development Department and asked whether the writ petitioner no. 1 and one Dipendu Majhi should be appointed on compassionate grounds or whether the two posts should be filled up by regular recruitment process.

This Court notes that the petitioners have treated compassionate employment as a regular source of employment for securing the future of the petitioners. Admittedly, compassionate employment is aimed at providing temporary and immediate relief to the family of the deceased employee, to prevent them from falling into starvation and penury.

The petitioners appear to have survived extremely well from 2008 till date. This Court clearly finds that the petitioner no. 1 or 2 do not qualify or come within the scope of the Circular of the Government dated February 3, 2009, particularly paragraph 2 thereof.

The writ petition must fail and is hereby dismissed.

With the aforesaid directions, the writ petition is disposed of.

There shall be no order as to costs.

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

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(Rajasekhar Mantha, J.)