

WPST 54 of 2020

Bhusan Singh
-versus-
The State of West Bengal and others

Mr. Kamal Kanta Kar, Advocate
... for the petitioner.

M/s. Joytosh Majumder, Govt. Pleader
Raja Saha,
Biswabrata Basu Mallick
Sayam Ganguly
... for the State.

The present writ petition has been filed challenging the order dated January 15, 2020 passed by the West Bengal Administrative Tribunal in OA No.599 of 2017. By the aforesaid order the petitioner's claim for grant of compassionate appointment was rejected.

Learned counsel for the petitioner submitted that his father died on September 21, 2008. Thereafter his mother filed an application seeking compassionate appointment for the petitioner after he attains majority. He was minor at the time of his father's death.

The Tribunal has recorded wrong finding that the application was filed 7 years after the death of the father of the petitioner. Even though the petitioner has an elder brother, application was filed for compassionate appointment for the petitioner. The family has

nothing to survive and is in need of financial support.

On the other hand, the learned counsel for the respondents submitted that any application seeking compassionate appointment could be filed within six months after the death of a government employee. The posts in the department cannot be kept vacant to wait for the applicant to be major. The compassionate appointment is provided for the family to give immediate succor on account of financial difficulty, on death of the bread-earner of the family. Once the family can survive for the last 12 years, no case is made out for appointment on compassionate basis.

He further submitted that at the time of death of the government employee his widow or the elder son who was major could have applied for compassionate appointment but that was not done. The fact that any application was filed by the petitioner or his mother immediately after the death of the government employee was disputed.

After hearing the learned counsel for the parties, we do not find any case is made out for interference in the present petition. Affidavit dated November 5, 2008 is sought to be referred to to show that application was filed seeking compassionate appointment by the mother of the petitioner to the competent authority immediately after the death of his father on 21.09.2008. However, there is no such

application placed on record. The affidavit merely shows that the mother and the elder brother have no objection if employment is granted to the petitioner. It is not in dispute that at the time of death of the government employee his widow or his elder son could have applied for appointment on compassionate basis in case there was any immediate need for the family to survive. The date of birth of the petitioner, as evident from the school certificate placed on record is August 10, 1997. That means he would have been major in the year 2015 i.e. 7 years after the death of the government employee. It speaks volumes about the case that the family could survive for a period of 7 years without employment, hence, was not in need of immediate financial support. It was seen merely as a back door employment.

The compassionate appointment is not an additional source of recruitment as the same is provided only after the death of an employee as immediate succor to come out of financial difficulty. In the case in hand the facts do not establish that ground.

With the above observations, the present writ petition is dismissed.

(Rajesh Bindal, J.)

(Aniruddha Roy, J.)

