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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

APPELLATE SIDE
(Via Video Conference)

WPA 15979 of 2021

Asok Das
Vs.
Union of India & Ors.

Mr. Partha Sarkar,
Mr. Soumyajit Bhatta
.... For the petitioner

Mr. Subir Pal
... For DVC.

Affidavit of service filed in Court today is taken on record.

The petitioner says that his father Ajit Kumar Das was a Group-C category employee in Damodar Valley Corporation (in short, DVC). The petitioner's father due to health reason had to retire from his services on and from 17th April, 1996. Prior to his retirement, the petitioner's father on 6th March, 1995, requested his employer, DVC, to provide compassionate appointment to the petitioner. The petitioner says that such application and subsequent applications made by the petitioner's father as also by the petitioner have not been considered by DVC. The petitioner relies upon an Office Memorandum dated 2nd January, 1995 and submits that the petitioner's father, being a Group-C employee had to retire on medical grounds prior to attaining 57 years of age and as such the petitioner is entitled to be considered for compassionate appointment.

Compassionate appointment is not a matter of right but is granted on the basis of the policy of the employer in force. The whole basis of giving compassionate appointment is to provide financial support to a family when its only bread earner is either incapacitated due to the medical reasons and is forced to retire or on the death of the employee while in service. In the instant case, the petitioner's father had retired for medical reasons and has enjoyed the retiral and pensionary benefits. The first application was made as far back as on 6th March, 1995. The petitioner is at the age of 52 years as will appear from the affidavit appended to the writ petition. The petitioner's father has also expired on 30th December, 2018. The petitioner has approached this Court by filing this instant writ petition on 28th September, 2021 i.e. after more than twenty-five (25) years from the date of the first application and that too with a prayer for mandatory direction to give appointment.

Considering the enormous delay, and the present age of the petitioner, I find no reasons to entertain the petitioner's prayer for passing any order in the writ petition.

The writ petition is as such dismissed, however, without any order as to costs.

(Arindam Mukherjee, J.)