

16.03.2021.
Item no. 129.
Court No.13
pk

W.P.A. No. 14358 of 2016
(Through Video Conference)
Moumita Chakraborty and another
Versus
The State of West Bengal & Ors.

Mr. Anjan Bhattacharya,
Ms. Anita Shaw

...For the petitioners.

Mr. Anjan Roy Mukherjee,
Mr. Manas Kumar Sadhu.

...For the State.

The father of the writ petitioner no. 1 died in the year 2011. He was working as Peon in the office of the District Panchayat and Rural Development Office, Purba Medinipore.

Within six months of the death of the father, the mother made an application for compassionate employment for the petitioner no. 1, who was minor (16 years old) at the relevant point of time. Realising the mistake, the claim for compassionate employment is sought to be revived on 30.03.2015 (by which time the petitioner became major). The said application of the petitioner was forwarded by the Joint Director, Panchayats and Rural Development, West Bengal to the Joint Secretary to the Government of West Bengal, Department of Panchayats and Rural Development.

By an order dated 18th April. 2016 passed in W. P. No. 5607(W) of 2016 (Moumita Chakraborty and another Vs. The State of West Bengal) a Co-ordinate

Bench of this Court directed the respondents to take a decision on the matter. The respondent authority rejected the prayer of the petitioner by the impugned order which is dated 22nd June, 2016 on the ground that at the time of initial application of the compassionate employment, the petitioner was a minor.

Counsel for the petitioner relied upon two Government Notifications dated 3rd December, 2013 and 29th September, 2014 respectively. He has submitted that they have no manner of application in the instant case since they were not in force in 2011 i.e. date of the petitioner's first application.

It is indeed true that the said Notifications of 2013 and 2014 were not in force in the year 2011. It is equally true that the petitioner could not have been given any appointment in 2011 as she was a minor. It is interesting and curious to note that the mother of the petitioner no. 1, who was eligible, chose not to seek compassionate employment in 2011.

Compassionate employment is an exception to the General Rule for public employment. It is intended to provide succor to the family of the deceased government employee to prevent them from starvation and falling into penury. Since the eligible mother has not prayed for such benefit in the year 2011 the family, therefore, clearly did not need any government job. The family was not in any financial constraints.

There is no doubt in the Court's mind that the actual purpose of the application of the petitioner no. 1 for compassionate employment is to secure her future. This is not the object and purpose of compassionate employment.

For the reasons stated hereinabove, the writ petition must fail and is hereby dismissed.

No order as to costs.

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

(Rajasekhar Mantha, J.)