

16.03.2021.
Item no. 130.
Court No.13
pk

**W.P.A. No. 14671 of 2016
(Through Video Conference)**

**Sk. Robiul and another
Versus
The State of West Bengal & Ors.**

Mr. Soumik Ganguli,
Mr. Sayan Roy

...For the petitioners.

The father of the writ petitioner no. 1 died on 3rd September, 2012. He was an employee of Zilla Parishad, Samanwayee Prakaalpa under the district of Burdwan.

The petitioner no. 2 made an application for compassionate employment for the first time on 01.11.2013 after 14 months of the death of her husband. Admittedly, in terms of the applicable Rules of 2013 and 2014 an application for compassionate employment is to be made within six months of the death of the employee concerned. The petitioners also remained silent from November, 2013 until January, 2016 when a reminder was sent to the Secretary, Burdwan Zilla Parishad for consideration of the application for compassionate employment. It further transpires that sometime in the year 2014, a Pension Payment Order has already been issued by the Zilla Parishad to the mother of the petitioner no. 1.

Since the application of the petitioner no. 2 itself is outside the Rules prescribed therefor, the obvious presumption that would follow is that the petitioners' family was not under any financial constraint. The petitioners cannot claim compassionate employment.

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.)