

09.03.2021.
Item no. 124.
Court No.13
ap

**W.P.A. No. 23823 of 2016
(Through Video Conference)**

**Chanchal Das & Anr.
Versus
The State of West Bengal & Ors.**

Mr. Aswini Kumar Bera.

...For the petitioners.

The writ petitioners challenged the order dated 22nd August, 2016 whereby their applications for compassionate employment on account of death of their father and husband, namely, Joydeb Das was rejected.

Admittedly, the said Joydeb Das, who was a Gram Panchayat Karmee died on 19th April, 2006. The writ petitioner no.1 was a minor at the relevant point of time. The wife of the deceased and mother of the petitioner applied for compassionate employment but the same was not considered. The petitioner applied for compassionate employment sometime in the year 2010.

The principal ground for rejection was the absence of financial criteria in favour of the applicant.

Counsel for the petitioners submits that his client is entirely dependent on the pension being received by his mother a sum of Rs.5,000/- per month and has four decimals of land and the same is not sufficient to meet their needs.

This Court, however, notes that compassionate employment is an exception of public engagement.

The petitioner no.1's father having died in the year 2006 and being 21 years old today, the cause of action for compassionate employment stood extinguished by lapse of time.

The writ petition itself was dismissed for default on 30th August, 2017 and was restored on 12th September, 2018.

The writ petitioners have been otherwise lax in pursuing their remedies.

In view of the above, the instant writ application must fail and is hereby dismissed.

There will be 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.)