

S/L 17
14.03.2022
Court No.24
SD

WPA 1591 of 2022

Nilam Lala & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Pritam Choudhury
Mr. Abhisek Addhya

...for the Petitioner.

Mr. Tapan Kuma Mukherjee
Ms. Saheli Mukherjee

...for the State.

Mr. Bhaskar Prasad Vaisya
Mr. Nilay Baran Mondal

...for the Council.

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

The petitioner no.1 is the widow and the petitioner no.2 is the son of a deceased primary school teacher. The school teacher died-in-harness on January 23, 2014. The petitioners pray for compassionate appointment.

By an application dated February 11, 2014, the widow of the deceased teacher applied for providing compassionate appointment to her. In the said application the details of the heirs of the deceased teacher were mentioned. The deceased left behind the widow and three minor children. The eldest of the children, that is, the son attained majority in the year 2018. The widow, after her son attained majority, made a further application for providing compassionate appointment to him. The said prayer stood rejected.

The petitioner no.1 was communicated by a letter dated February 19, 2019 that in spite of repeated request for submitting relevant documents in support of her prayer for appointment on compassionate ground, she did not submit the same.

She made a further prayer on June 18, 2018 praying for appointment of her elder son that is the petitioner no.2 herein who attained the age of majority on February 17, 2018. The same was not possible to be considered.

The District Inspector of Schools once again requested the widow to submit documents in support of her prayer for compassionate appointment. The petitioner no.1 in response to the earlier communication dated February 19, 2019 made a communication on March 28, 2019 wherein request for providing employment to the son was repeated. The prayer of the petitioner no. 1 once again stood rejected by a communicating letter dated November 28, 2019 wherein the authorities have mentioned that the application for providing compassionate appointment to the son was submitted nearly four years after the death of the teacher. The authority requested the widow to submit a copy of the first application so that they could proceed with the same.

Lastly, it appears that by a communication dated February 5, 2020, the prayer for appointment of the son was once again turned down. The same is under challenge in the present writ application.

The impugned order of rejection mentions that as per the application dated January 27, 2014, the petitioner no.1 was requested to submit all documents for appointment on compassionate ground but she remained silent and did not supply the relevant documents, even though she was eligible for appointment at the material point of time.

Thereafter, on June 18, 2018, after a gap of four years, an application was made for providing appointment to the son who attained majority four years after the death of the teacher.

It has been mentioned that as per the rules as the son of the deceased teacher was a minor at the time of death of his father, his case cannot be taken up for consideration for providing appointment on compassionate ground.

Law relating to compassionate appointment is very well-settled. There is no provision for reservation of the vacancy till such time the heir of the deceased attains majority. The widow was eligible for appointment and she was requested on several occasions to submit the documents. For the reason best known to her, she failed to do so and waited for the son to attain majority and thereafter made a request for providing appointment to her son. The same is not permissible in law. Compassionate appointment is provided to enable the family of the deceased employee to tide over the sudden financial crisis resulted on account of death of the bread earner. The same cannot be claimed as a matter of right. The same also cannot be treated as a regular

mode of employment. It is a concession provided to the eligible heir of the deceased to ensure that the family gets immediate relief.

Accordingly, this Court does not find any error in the order impugned. The writ petition does not call for any interference.

The writ petition stands dismissed.

Urgent certified photocopy of this order, if applied for, be given to the parties, upon compliance of all formalities, on priority basis.

(Amrita Sinha, J.)