

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 4424 of 2022

Smt. Suparna Das & Anr.

Vs.

The Assistant Manager (HR&A) ES&ER-II Cell,
West Bengal State Electricity Distribution
Company Limited & Ors.

Ms. Manashi Bhattacharyya

Mr. Rajsekhar Basu

... For the petitioners

Mr. Sujit Sankar Koley

... For WBSEDEL

The petitioners are respectively the wife and daughter of a deceased employee of West Bengal State Electricity Distribution Company Limited (hereinafter referred to as “WBSEDCL”). The petitioners have challenged a memo dated 12th July, 2018 by which the application for compassionate appointment made by the petitioner no.2 was rejected.

On perusing the memo dated 12th July, 2018, I find that the case of the petitioner no.2 has been rejected on two grounds. The first is over-age and the second is that the petitioner no.2 was found married as on the date of death of the deceased employee.

The petitioners have alleged that the respondent no.4 was given appointment at the age of 39 years as the daughter of another deceased employee of WBSEDCL and,

as such, the petitioner no.2 is not over-aged. The petitioners also allege that the marital status of the petitioner no.2 cannot disentitle her as she was dependant on her father at the time of his death.

This allegation is countered by WBSEDCL, stating that the respondent no.4 applied for compassionate appointment at the age of 22 years, but ultimately got the appointment at the age of 39 years. There was, as such, no embargo at the initial stage in respect of the respondent no.4 for the over-age which is not the case with the petitioner no.2.

The admitted fact is that the petitioner no.2 made an application for compassionate employment on 19th June, 2017. On the date when the application was made, the petitioner no.2 was more than 30 years of age. Her date of birth is 9th August, 1985. As per clause 6 of the Recruitment Policy of 2010 of WBSEDCL, the maximum age limit permitted to make an application is 40 years for the spouse and 30 years for other dependants as on the date of death/premature retirement on permanent disablement of the employee.

In the instant case, the petitioner no.2 is the daughter of the deceased employee and, as such, her maximum age on 10th November, 2016, i.e., the date of death of the employee should have been 30 years. Considering her date of birth to be 9th August, 1985, as on 10th November, 2016 the petitioner no.2 was above 30

years. The petitioner no.2, therefor, was over-aged on the date of making the application for compassionate appointment.

So far as the other ground is concerned, the 2010 Policy in respect of employment on compassionate ground only uses the word “dependants”. It may so happen that a married daughter is dependant upon her father at the time of his death. However, this issue requires to be established. In the instant case, the petitioner was admittedly married on 10th January, 2011. It has been alleged by the petitioners that the marriage of the petitioner no.2 was not successful and, as such, within a few months after the marriage, the petitioner no.2 became dependant on her father, the deceased employee.

Although there is no finding in this regard about the dependency in the impugned order/memo but remanding the matter back for reconsideration will not suffice any purpose as the petitioner no.2 is disqualified due to over-age, being the first ground of rejection.

The writ petition, therefor, fails and the same is dismissed without any order as to costs.

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

(Arindam Mukherjee, J.)