

WPA 3371 of 2010

**Smt. Jhuma Das & Anr.
Vs.
The State of West Bengal & Ors.**

Mr. Ahsanuzzaman
Mr. Bipu Kumar Mondal
Mr. Md. Raziuddin

... .. for the petitioners

The writ petitioners seek compassionate appointment.

The concerned employee namely, Chittaranjan Das, since deceased, was the husband of the first petitioner and the elder brother of the second petitioner. He was an approved primary teacher at the Murshidabad District Primary School Council. He died on December 26, 2004 at the age of 43 years leaving his minor daughter aged just above two years and the first petitioner widow.

On the basis of no objection dated June 15, 2006 issued by the first petitioner in favour of the second petitioner, an application was made by the second petitioner seeking compassionate appointment in view of the death of the said deceased employee. The necessary prescribed format was also filled up and submitted.

By communication issued by the second respondent dated January 25, 2007 the first petitioner was informed that she could apply for compassionate appointment according to her requisite qualification fit for the post through concerned Sub-Inspector of Schools, if she desires.

On February 24, 2007 through the Sub-Inspector of Schools an application was made by the petitioners jointly seeking compassionate appointment in favour of the said second petitioner. The same had not been considered by the respondent authorities and hence the instant writ petition was filed in 2010.

Mr. Ahsanuzzaman, learned advocate with Mr. Bipu Kumar Mondal, learned advocate appearing for the petitioners submits that such a compassionate appointment is extremely necessary for survival of the family of the deceased employee. The family had been and still has been undergoing through severe financial crisis and the compassionate appointment as prayed is thus necessary for their survival.

None appears for the respondents nor any accommodation has been sought for.

After hearing the learned counsel for the petitioners and on perusal of the materials on record, it appears to this Court that after the unfortunate demise of the deceased employee in 2004 the petitioners and the family members of the deceased employee could survive till 2006/2007 when for the first time the application seeking compassionate appointment was submitted. It is, thus, evident the family did not require immediate support for survival and could survive for about three years. Subsequently on February 24, 2007 the said representation was made by petitioners seeking

compassionate appointment in favour of the second petitioner which was also a belated prayer.

The law regarding compassionate appointment is well settled that the same is not a matter of right. Compassionate appointments are granted to the family of the deceased State employees for their immediate survival after the demise of the deceased employee.

In the instant case the applications, seeking compassionate appointment, stated above were of belated which showed that the family of the deceased could survive immediately after the death of the deceased employee. At this belated stage such prayer cannot be considered in the facts of this case.

In view of the foregoing discussions and reasons, the writ petition **WPA 3371 of 2010** stands dismissed.

There shall however be no order as to costs.

(Aniruddha Roy, J.)