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15.07.2022
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 5467 of 2022

Rajib Bose
Vs.
The State of West Bengal & Ors.

Mr. Sujit Bhattacharya,
Mr. Ushananda Saha,
Mr. Suman Chatterjee
.... For the petitioner.

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

The petitioner's father died-in-harness on 17th June, 2009 while working in Calcutta State Transport Corporation (in short, CSTC). The petitioner's mother made an application for granting her employment on compassionate ground. In terms of such application CSTC by a memo dated 14th October, 2014 informed the petitioner's mother to appear before the Enquiry Committee on 29th October, 2014. The petitioner says that despite his mother having appeared before the Committee and had submitted all documents, the case of the petitioner's mother was neither rejected nor allowed. The petitioner on 17th February, 2022, has applied to CSTC to give him compassionate appointment.

The whole basis of granting compassionate appointment is to provide solace to the bereaved family for the sudden financial crisis arising out of the death of the

sole bread earner. Time is, therefor, very crucial in considering and granting the compassionate appointment which is not a matter of right, but is an exception carved out of the provisions of Article 14 of the Constitution of India to be dealt with an incident of death of an employee as per the scheme prevailing at the time of death of the employee. In the instant case, the death had occurred on 17th June, 2009. The representation and/or application for compassionate appointment has been made by the petitioner only on 17th February, 2022, i.e. after lapse of 13 years. The writ petition has been filed on 25th March, 2022. The last document pertaining to the application for compassionate appointment made by the petitioner's mother is also dated 14th October, 2014 i.e. more than 8 years ago.

In the aforesaid facts and circumstances, there has been inordinate delay on the part of the petitioner in approaching this Court for compassionate appointment. The whole basis for grant of compassionate appointment has been frustrated.

The application, therefor, cannot be entertained due to inordinate delay. The same is accordingly dismissed without any order as to costs.

(Arindam Mukherjee, J.)