

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 7661 of 2021

Abhishek Nanda
Vs.
State of West Bengal & Ors.

Mr. Kamal Mishra
Mr. Pratap Sanfui
... For the petitioner

Mr. Pinak Dhole
Ms. Kakoli Samajpati
... For the State

Mr. Rajat Dutta
... For the respondents no.2, 3 & 4

The affidavit filed on behalf of the respondents no.2, 3 and 4 in Court today is taken on record.

The petitioner is seeking compassionate appointment on the ground that his father – an employee of State Fisheries Development Corporation Limited (in short “SFDCL”) – died-in-harness on 9th September, 2018.

I had invited affidavits from the respondent no.1 as also from the respondents no.2, 3 and 4. It is clear from the writ petition and the said two reports as also from the submissions made by the respective parties that SFDCL is a Corporation under the State Government. SFDCL at the time of death of the petitioner’s father i.e., 9th September, 2018, did not have any scheme for compassionate appointment. The Fisheries Department, by a letter dated

20th May, 2022, which is annexed at page 9 of the affidavit filed on behalf of the respondents no.2, 3 and 4, has clarified that there is no scheme for compassionate appointment in SFDCL. The respondent no.1 in its affidavit has also clarified that there was no policy/scheme in substance at the time of death of the petitioner's father. The petitioner has not been able to show anything contrary to the statements made by the respondents no.1, 2, 3 and 4. Inasmuch as, there was no scheme for granting employment on compassionate ground to the dependent of an employee of SFDCL on his/her death-in-harness, the petitioner's claim cannot be entertained. The question of remanding the petitioner's case to either the Finance Department or the Fisheries Department for reconsideration will be also a fruitless exercise when compassionate appointment is not a matter of right but carved out of Article 14 of the Constitution to provide solace to a bereaved family to tide over the sudden crisis arising out of the loss of the sole bread earner and, as such, has to be considered strictly in accordance with the prevailing scheme at the time of death of the employee.

The writ petition fails and is accordingly dismissed.

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

(Arindam Mukherjee, J.)