

09.02.2022
Sl. No.23
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE
(Via Video Conference)

WPA 20657 of 2021

Gourab Chakraborty
Vs.
State of West Bengal & Ors.

Mr. Susanta Pal

....for the petitioner.

Ms. Chaitali Bhattacharya,
Mr. Subhendu Roychowdhury

....for the State.

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

The petitioner says that her mother was an employee of Calcutta Tramways Company (1978) Ltd., now known as West Bengal Transport Corporation and died-in-harness on 24th December, 2003. The petitioner had applied for compassionate appointment on 27th December, 2005, when the petitioner was admittedly a minor. The petitioner had again made a representation on 6th January, 2011. By a letter dated 6th February, 2014, the petitioner was asked to submit a formal application in a format enclosed therewith. As no decision about the petitioner's application was made known to the petitioner, the petitioner made an application under the Right to Information Act, 2005 seeking answer to certain

queries which was duly replied on 3rd March, 2021. The petitioner says that from the communication, he has come to know that his name has been included in the list of die-in-harness cases. The petitioner says that the delay in providing compassionate appointment is against the basic principle for which the same was introduced. On the death of the bread earner of the family, the employer gives compassionate appointment to enable the family of the deceased employee to tide over the sudden financial instability that may arise on the death of the bread earner. The petitioner, therefor, prays for mandatory order of appointment under compassionate ground.

The compassionate appointment has been held as not a right accruing in favour of the applicant. The prayer for compassionate appointment is considered by the employer on the basis of the scheme prevailing in the employer.

In such circumstances, the petitioner cannot seek any mandatory order directing the respondents to grant compassionate appointment to the petitioner. On a close scrutiny of facts, the interference by passing any order in aid of the reliefs claimed by the petitioner at this stage when the petitioner's name has already be included in the die-in-harness

category, it will amount to interfering into the policy matter of the employer.

In the aforesaid facts and circumstances, the writ petition is disposed of without any order as to costs, save and except that the petitioner's case may be considered expeditiously, but observing the practice and procedure followed by WBTC in case of compassionate appointment.

Since I have not called for any affidavits, allegations made in the writ petition are deemed to have not been admitted by the respondents.

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

(Arindam Mukherjee, J.)