

30.03.2023
DL-81
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 2218 of 2023

Shantanu Basu
Vs.
The West Bengal State Electricity
Distribution Company Limited & Ors.

Mr. Debasish Kundu,
Mr. Souma Subhra Ray,
Ms. Susmita Mondal

....for the petitioner.

Mr. Supriyo Chattopadhyay
....for the respondents/WBSEDCL.

Report on affidavit and exception thereto as handed over in Court today are retained with the records.

The petitioner's father died-in-harness on February 2, 2022 while working as a Technical Support Hand with the West Bengal State Electricity Distribution Company Limited (WBSEDCL). The grievance of the petitioner is that despite the fact that his father died-in-harness, his prayer for compassionate appointment has not been considered till date.

Mr. Kundu, learned counsel appears on behalf of the petitioner and submits that the order of rejection passed by the Manager (HR & A) dated September 8, 2022 is only on the ground of the

petitioner being over-aged. However, as per the recruitment policy of WBSEDCL the dependant of a deceased employee who may be eligible for appointment on compassionate ground may be offered employment “**with relaxation**” of *age* and *qualification*.

Mr. Chattopadhyay, learned counsel appearing on behalf of WBSEDCL draws the attention of this Court to Clause 6 (f) of the Recruitment Policy – 2010. He submits that only a case of dependent family member can be considered for appointment on compassionate ground in the event the predecessor/breadwinner of the family died while performing a job in any electrical installation of the company due to an accident but directly in course of discharging his official functions. The undisputed facts of this case are that the petitioner’s father died-in-harness due to heart attack and not due to any accident caused while performing any job in electrical installation of the company.

Considering the rival submissions of the parties and the materials placed on record, this Court is of the view that the petitioner’s father died-in-harness due to heart attack. Even though he was discharging his official functions, his death was not caused by

any accident during the performance of his job in any electrical installation of the company.

Therefore, there was no applicable scheme or policy of the employer/WBSEDCL to consider the appointment of the petitioner on compassionate ground on the date of death of the petitioner's father. This view of the Court finds support in a judgment of the Apex Court reported in (2020) 10 SCC 496 (**State of Madhya Pradesh and Others vs. Amit Shrivastava**).

In the circumstances hereinabove, **WPA 2218 of 2023** is **dismissed**.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Hon'ble Court.

Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(Lapita Banerji, J.)