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20.2.2023
S.D.

W.P.A. 2669 of 2023

**Shree Chandan Sarkar
Vs.
The WBSEDCL & Ors.**

Mr. Alok Roychowdhury
Ms. Anindita Roychowdhury
...For the petitioner

Mr. Saurav Chaudhuri
..For the WBSEDCL
Mr. A.R. Mukherjee
...For the State

Affidavit of service filed in Court today is retained with the records.

The petitioner's father was an employee of the West Bengal State Electricity Distribution Company Limited (WBSEDCL). He died-in-harness in 2007. Initially, the petitioner's sister applied for appointment on compassionate ground. Thereafter, the petitioner's sister withdrew her application being a married daughter on April 30, 2010. The petitioner's sister got married on January 31, 2010.

The petitioner's application for compassionate appointment was considered by the authorities in 2011. He was called for a written test on March 27, 2011 and for an oral test on March 28, 2011. Admittedly, the petitioner did not attend the tests on the scheduled dates without any

intimation whatsoever to WBSEDCL. Furthermore, the petitioner failed to submit an affidavit to show that a No Objection was given by all the dependant family members, in his favour, which was a pre-requisite for granting an appointment on compassionate ground.

Thereafter, the petitioner renewed his prayer for compassionate appointment on July 1, 2019. The petitioner also renewed his prayer on July 16, 2020 and August 6, 2020.

The petitioner was already intimated by an Office Memorandum dated July 26, 2019 that his request for compassionate appointment would not be acceded to since he failed to attend the scheduled tests without any intimation and also failed to submit the necessary No Objection Certificate. Furthermore, there was a gap of more than 10 years between the date of death of the deceased employee and the date of resubmission of the application for employment on compassionate ground.

Mr. Chaudhuri, learned counsel appears on behalf of the WBSEDCL. Mr. Mukherjee, learned counsel appears on behalf of the State.

Having considered the rival submissions of the parties and the materials placed on record, this Court finds that the petitioner did not appear on the scheduled dates on March

27, 2011 and March 28, 2011 for the written test and *viva voce*. Thereafter, the petitioner renewed his prayer on July 1, 2019 about 12 years after the date of death of his father. The said action on the part of the petitioner cannot be condoned by this Court since it belies the very principle based on which the appointments are made on compassionate ground. The petitioner has no legal right to be appointed on compassionate ground. It is only a prayer of the petitioner that an employer is required to consider as per the extant Rules and Policies applicable at the material point in time. The purpose of giving compassionate appointment is to help/support a bereaved family during the financial crisis that may arise due to the sudden death of an employee who is the bread winner of the family.

No prayer for compassionate appointment can be made at such a belated stage. There is no immediate financial crisis that the family has to tide over due to the death of the deceased employee in 2007.

In the light of the discussions above, this Court is of the view that the writ petition is completely misconceived and **W.P.A. 2669 of 2023 is dismissed.**

Since no affidavits have been directed to the exchange in the present writ petition, all the allegations contained in

the writ petition are deemed not to have been admitted by the parties.

All parties shall act on the server copy of this order duly downloaded from the **website** of this Court.

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

(Lapita Banerji, J.)