

22.03.2023
DL-19
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 3587 of 2023

Mallika Desowali @ Mallicka Desoali
Vs.
The State of West Bengal & Ors.

Mr. Arunava Pati,
Mr. S. C. Dhara

...for the petitioner.

Ms. Chaitali Bhattacharya,
Mr. Kartik Chandra Kapas

....for the State.

The petitioner's husband was engaged contractually as a Subject Matter Specialist by the Project Director, Agricultural Technology Management Agency, Paschim Medinipur. The petitioner's husband died while performance of his duties on April 4, 2016. Thereafter, the petitioner made an application for appointment on compassionate ground. Such prayer was not considered by the State authorities.

Mr. Pati, learned counsel appearing on behalf of the petitioner submits that the petitioner is suffering from extreme financial constraints after the death of her husband.

Ms. Bhattacharya, learned Sr. Govt. adv. appears on behalf of State respondents and submits that the petitioner's husband was a contractual employee and there was no policy/guideline/scheme

for appointment of the dependants of contractual employees.

Considering the rival submissions of the parties and the materials placed on record, this Court is of the view that unless there is a scheme/policy/rule for appointment on compassionate ground of the dependants of a deceased employee applicable on the date of death of the deceased employee no prayer for compassionate appointment can be entertained. Such view of this Court finds support in the judgment of **State of M. P. Vs. Amit Shrivastava** reported in (2020) 10 SCC 496. In this case, no scheme or rule is applicable for compassionate appointment of contractual workers.

In the light of the discussions above, **WPA 3587 of 2023** is dismissed.

Since no affidavits have been called for in the writ petition, the allegations contained therein are deemed not to have been admitted by the respondents.

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.)