

WPA 6029 of 2023

Diprodeep Chakraborty
Vs.
The State of West Bengal & Ors.

Mr. Supratick Syamal
Ms. Minakshi Majumder
....for the petitioner

Mr. Amal Kumar Sen
Mr. Sabyasachi Mondal
.....for the CSTC

Ms. Chaitali Bhattacharya
Mr. Mrinal Kanti Biswas
.....for the State

The petitioner's father died-in-harness on February 21, 2012 as an employee of Calcutta State Transport Corporation (CSTC). The petitioner was called for an appearance before the Enquiry Committee by an office order dated October 14, 2014. Thereafter, no steps have been taken for consideration of the petitioner's prayer for compassionate appointment.

The petitioner's grievance is that his mother receives only a meager amount of Rs.2051/- as family pension and as such it is not sufficient to maintain themselves with that amount. The petitioner made a representation on March 21, 2022 for redressal of his grievance and consideration of his appointment on compassionate grounds.

Mr. Sen, learned Additional Government Pleader appearing on behalf of the CSTC submits that there was no scheme for appointment on compassionate ground at the time of death of the petitioner's father. Furthermore, the petitioner's claim is a stale one.

Ms. Bhattacharya, learned Senior Government Advocate appears on behalf of the State-respondents.

Considering the submissions of the parties and materials placed on records this Court finds that there is absolutely no communication between the petitioner and the employers/CSTC between October 2014 and March 2022.

Almost after 8 years the petitioner has prayed for consideration of his representation for appointment on compassionate grounds. The reason for giving compassionate appointment to any member of a deceased employee is to provide succour to tide over the immediate financial crisis that the dependents/family members of a deceased employee may suffer due to sudden death of the bread winner of the family. However, no claim can be considered for compassionate appointment when there is a significant lapse in time between the death of the deceased employee and the prayer for consideration of the representation. A significant lapse of time defeats the prayer for consideration of appointment on

compassionate ground. Such view has been taken by the Apex Court in a recent judgment passed on March 3, 2023 in Civil Appeal Nos. 8842-8855 of 2022 **(The State of West Bengal vs. Debabrata Tiwari)**.

In the light of the discussions above **WPA 6029 of 2023** is **dismissed**.

Since no affidavits have been directed to be exchanged in the present writ petition, all the allegations contained therein are deemed not to have been admitted by the parties.

All parties to act on a server copy of this order downloaded from the official website of this Court.

Urgent Xerox certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Lapita Banerji, J)