

Court No.
24.02.2023

(Item No. 29)

(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 6193 of 2022

Smt. Puspa Banerjee @ Puspa Rani Bandyopadhyay
& Anr
VS
The State of West Bengal & Ors.

Mr. Saugata Mitra
Mr. Rameswar Sinha
Ms. Ankita Dey

.... For the petitioners

Mr. Biswabrata Basu Mallick

Mr. Sayan Ganguly

.... For the State

The writ petitioner claimed compassionate appointment. The writ petitioner is the only son of the deceased father/employee who was employed as **Headmaster** at **Balitor High School (H.S.), District – Purulia**. The deceased father died on **October 16, 1998**. The widow of the deceased employee being the mother of the petitioner applied to obtain compassionate appointment on **February 6, 1999**. The mother of the petitioner was granted two options to join in the **year 2000**. The petitioner submitted that, at that juncture the mother was attaining about 60 years so immediately she made a representation so that an appointment can be granted to the petitioner. Such representation was made on **August 10, 2012**.

Mr. Rameswar Sinha, learned advocate appearing for the petitioner submitted that, thereafter from time to time several representations were made before the State authority seeking the said

compassionate appointment but till date no positive result has come.

Mr. Biswabrata Basu Mallick, learned Additional Government Pleader appearing for respondent Nos. 1, 2 and 3 submitted that, though the petitioner's mother contemporaneously granted an opportunity to join by receiving the compassionate appointment on the ground of the died-in-harness of the father of the petitioner, the mother chose not to join way back in the year 2000. Thereafter a long silence was observed. In 2012 the mother made a representation for her son to grant the compassionate appointment. This writ petition was filed in 2022.

Considering the rival contentions of the parties and considering the materials on records it appeared to this Court that, there was really an unexplained silence for about 12 years during which the family of the deceased could sustain for survival. Then for another 10 years to file this writ petition. So in effect more than 23 years the family of the deceased employee survived.

It is trite that, compassionate appointment is not an alternative mode of generation of employment. Compassionate appointment rests on the benevolent policy of the State for the immediate survival of the family of the deceased after the untimely death. Considering the facts of these case it is clear to the mind of this Court that, the family of the deceased

employee could survive till date for about 23 years after the death of the employee.

For the foregoing reasons and discussions, this Court is of the firm view that, this is not a fit case where the prayer for compassionate appointment shall be considered by this Court.

The writ petition is totally devoid of any merit.

In view of the above this writ petition being **WPA 6193 of 2022** stands dismissed.

There shall, however, be no order as to costs.

Urgent certified photo copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Aniruddha Roy, J.)