

15.05.2023
DL-25
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 7908 of 2023

Sk. Ezajul
Vs.
The Kolkata Port Trust & Ors.

Ms. Juin Dutta Chakraborty
....for the petitioner.

Ms. Sujata Mukherjee
....for Kolkata Port Trust.

The petitioner has prayed for compassionate appointment with the Kolkata Port Trust (KoPT)/Syama Prasad Mookerjee Port. The petitioner's father died-in-harness on May 9, 2006. Thereafter, the petitioner's case for compassionate appointment was considered by the respondent authorities. On March 14, 2016, a selection process was held for filling up the vacancies to the post of Clerk, Grade-II in Traffic Department. 231 eligible candidates were enlisted for appointment in died-in-harness category. An examination was held on March 20, 2022.

Ms. Dutta Chakraborty, learned counsel appearing on behalf of the petitioner submits that the petitioner was not intimated the fate of such examination. Since 2016 till 2022, the petitioner took no steps. Finally on July 26, 2022, the petitioner

made a detailed representation. Pursuant to the directions of this Court, such representation was considered and disposed of by a reasoned order dated December 21, 2022.

Ms. Mukherjee, learned counsel appearing on behalf of the Kolkata Port Trust submits that out of 231 candidates only 9 were selected for compassionate appointment. The merit list of 9 candidates was published in the website of the Port. She further submits that as and when the vacancies arise for consideration of the prayer of the applicants for compassionate appointment, the prayer of the petitioner will again be considered.

Considering the rival submissions of the parties and the materials placed on record, this Court is of the view that compassionate appointment is not a matter of *right*. It is a prayer before the employer of the deceased employee to consider the case of the applicant sympathetically to avert the immediate financial crisis that may have arisen due to the death of the breadwinner of the family.

The respondent/Kolkata Port Trust acted in terms of their extant rules and guidelines and conducted an examination where the petitioner participated. Therefore, the petitioner cannot have any grievance regarding being ousted from the

process of consideration. Further, this Court finds that the petitioner has not taken any steps from March 2016 till his representation in July, 2022. This Court finds that there is no arbitrariness or capriciousness in the decision making process of the respondent authorities.

In such view of the matter, this Court is not inclined to set aside and/or quash the impugned order dated December 21, 2022.

Accordingly, the writ petition, being **WPA 7908 of 2023**, is **dismissed**.

Since no affidavits have been directed to be exchanged 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.)