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10.10.2023
Court No. 24
AGM

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

WPA 8241 of 2023

**Sima Kumari
-versus
The State of West Bengal & Ors**

**Ms. Mousomee Shome
Mr. Subhajit Das
...For the petitioner.**

**Mr. Santanu Chatterjee
... For the H.M.C.**

**Mr. R. Mahata
Mr. A. S. Ray
... For the respondent.**

The petitioner claims compassionate appointment in Howrah Municipal Corporation.

Submission is that the father of the petitioner was an employee of the HMC who died in harness in the year 1998. The petitioner was born in the year 1997. In 2003 the private respondent was appointed on compassionate ground on account of the death of the employee.

The petitioner contends that the petitioner was not aware of the scheme for compassionate appointment and, accordingly, he was not in a position to approach the Court at an earlier stage.

The petitioner in the year 2023 came to learn about the service of the private respondent.

A representation has been filed in February 2023 seeking cancellation of the appointment of the private

respondent. The same is alleged to be kept pending. The petitioner seeks consideration of the same.

Learned advocate representing the private respondent submits that the private respondent is the adopted son of the deceased.

I have heard the submissions made on behalf of the petitioner and perused the materials on record.

Admittedly, the father of the petitioner expired in the year 1998 when the petitioner was only one year old. The private respondent was engaged in service in 2003 and he is in service till date.

It is settled law that vacancy for appointment on the compassionate ground cannot be reserved till the heir of the deceased attains majority. Appointment on compassionate ground is meant to tide over the immediate financial crisis faced by the family of the deceased bread winner.

In the present case, the employee expired in the year 1998. At such delayed stage there is neither any scope for considering the prayer of the petitioner for providing compassionate appointment nor there is any reason to reopen the case of appointment of the private respondent.

There is hardly any scope to entertain the dispute regarding adoption of the private respondent by the deceased employee.

In view of the above, no relief can be granted to the petitioner in the instant case.

The writ petition fails and is hereby dismissed.

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

(Amrita Sinha, J.)