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2.5.2023
S.D.

W.P.A. 8587 of 2023

Sayantana Mondal
Vs.
The WBSEDCL & Ors.

Mr. Kalyan Kumar Panda
Mr. Uttam Kumar Roy
.....For the petitioner

Mr. Debanjan Mukherjee
..For the WBSEDCL

This is an application for appointment on compassionate grounds. The father of the petitioner died-in-harness on December 18, 2012. He worked as a Senior Sub-Assistant Engineer with the West Bengal State Electricity Distribution Company Limited (WBSEDCL). After the death of the petitioner's father, he applied for being appointed on compassionate ground through representations made by his mother. The application of the petitioner was considered sympathetically even though the petitioner suffered from an accident on July 17, 2016. The process of appointing the petitioner went on in 2019 as well when after recovery from his accident, prayer was renewed for compassionate appointment. The petitioner submitted all the necessary documents as required by the authorities in 2020.

Thereafter, on February 4, 2021, the candidature of the petitioner was rejected by the Manager (HR &A) since the petitioner suffered from high myopia and his refractive error was beyond the permissible limit. The said error was found during the pre-employment medical check up. The prescription submitted by the petitioner regarding his eyesight from the Department of Health and Family Welfare, Government of West Bengal also reflects the fact that the power in petitioner's right eye was beyond the permissible limit. The said document is dated April 22, 2019. The dry-spherical power in the right eye of the petitioner was -7.00 whereas under the norms and standards for medical fitness of WBSEDCL, the candidates total amount of myopia was not to exceed -6.00D.

Since the myopia of the petitioner was found beyond the permissible limit, the candidature of the petitioner was rejected. The petitioner made a prayer for reconsideration of his representation for compassionate appointment on February 22, 2021. Thereafter, no steps were taken by the petitioner. The writ petition has been filed on March 29, 2023 after 2 years from the date of rejection of the petitioner's candidature.

Considering the submissions of the parties and the materials placed on record, this Court is of the view that the petitioner's prayer for compassionate appointment cannot be considered due to long passage of time from the death of the petitioner's father till the filing of the writ petition. The fact that the petitioner did not challenge the order of rejection for more than 2 years also goes to show that the family is not in any financial crisis. The object of compassionate appointment is to provide immediate succor to the bereaved family members, to prevent them from living a life of penury. Compassionate appointment is to be granted for providing financial assistance to the family members of a deceased employee to avert the financial crisis that may arise due to the death of the bread-winner of the family. Due to the long passage of time from the death of the petitioner's father/deceased employee and the filing of the writ petition, this Court is of the view that the prayer for compassionate appointment of the petitioner cannot be further considered.

Such a view of this Court finds supporting in the judgment of the Apex Court passed in Civil Appeal Nos. 8842-8855 of 2022 (**State of West Bengal vs. Debabrata Tiwari & Ors.**)

Also on merits this Court finds no perversity in the impugned order of rejection.

In such view of the matter, **W.P.A. 8587 of 2023** is **dismissed**.

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

All parties shall act on the server copy of this order duly downloaded from the **website** of this Court.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all the formalities.

(Lapita Banerji, J.)