

WPA 8978 of 2023

Sanjay Kheary
Vs.
Calcutta state Transport Corporation & Ors.

Mr. Sounak Ghosh
Mr. Anindya Sundar Das
....for the petitioner

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

Affidavit of service filed in Court today is retained with the records.

Petitioner's father died-in-harness while performing his duties on April 21, 2012. The petitioner made a request for appointment on compassionate ground on September 14, 2012. Thereafter, the petitioner sent a remainder for appointment on compassionate grounds on February 27, 2014.

The petitioner was engaged contractually on February 2, 2015 for a period of one year.

Mr. Ghosh, learned counsel appearing on behalf of the petitioner submits that the petitioner only worked for a period of one year and his contractual engagement was not extended.

Mr. Sen, learned Additional Government Pleader appearing on behalf of the Calcutta State Transport Corporation (CSTC) submits that the engagement of

the petitioner was extended from time to time and the petitioner is still engaged.

Considering the rival submissions of the parties and the materials placed on records this Court is of the view that since 2014 the petitioner has not renewed his prayer for appointment on compassionate grounds by way of a regular appointment. Even if it is accepted that the petitioner has been only engaged for a period of one year on February 2, 2015 and his services were not extended after February 2016 still this Court is of the view that no prayer for compassionate appointment can be entertained at such a belated stage.

There is no communication on record to show that the petitioner has made subsequent representations from February 2, 2016 onwards for appointment on compassionate grounds when he was disengaged from his services. The fact that there is no communication since the disengagement in 2016 only goes to corroborate the fact that the family was in no need of immediate financial assistance.

In the present writ petition, filed on April 10, 2023 the petitioner has prayed for consideration of his representation dated February 13, 2014 which was submitted almost a decade back.

The objective of granting compassionate appointment is to financially assist a bereaved family

and provide immediate succour by averting a financial crisis that the dependents of a deceased employee may face, due to sudden death of the breadwinner of the family. A prayer for compassionate appointment cannot be considered at such a belated stage.

Such view of this Court finds support in an Apex Court judgment of **State of West Bengal vs. Debabrata Tewari**, reported in 2023 SCC OnLine SC 219. In the circumstances stated hereinabove, **WPA 8978 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)