

Court No.
24.4.2023
(Item No. 140)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 11652 of 2022

Radha Nath Mahato
VS
The State of West Bengal & Ors.

Ms. Kaberi Ghosh (Dev)
.... For the petitioner
Mr. Raja Saha
Ms. Piyali Sengupta
... For the State

The petitioner received a compassionate appointment in the year 2019. The petitioner shall retire in 2023. The employment would be of four years around. The petitioner would not qualify the eligibility to receive pension as he had not rendered his service for the qualifying period.

Ms. Kaberi Ghosh (Dev), learned counsel appearing for the petitioner drew attention of this Court to the representation of the petitioner dated **February 7, 2022, Annexure P-9** at **page 26** to the writ petition. She submitted that, the said representation did not receive any attention of the State authority. She submitted that, as a special case the petitioner should be eligible to receive pension after giving a notional retrospective effect of service.

Ms. Piyali Sengupta, learned counsel appeared for respondent Nos. 1 and 5.

Considering the submissions made on behalf of the parties and considering the materials on

records, it appeared to this Court that, the petitioner had already received a compassionate appointment. To receive a compassionate appointment is not a matter of right and depends upon the benevolent policy of the State to meet the imminent crisis of the family of the deceased employee. Even after being granted with a compassionate appointment, appointee cannot claim any right over any benefit which is not permitted strictly in accordance with law.

In the facts of this case, the petitioner shall not admittedly qualify the qualification period of service for receiving pension. For a compassionate appointee the Court cannot and should not extend such facility.

In view of the above, this Court finds that the writ petition is devoid of any merit.

Since affidavits are not called for, the allegations made in the writ petition are deemed not to have been admitted by the respondents.

Resultantly, this writ petition being **WPA 11652 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.)