

WP.ST 84 of 2021

Ankita Ray
Vs.
The State of West Bengal & Ors.

Mr. Bhaskar Chandra Manna
... for the petitioner

Mr. Pinaki Dhole
Mr. Avishek Prasad
... for the State

The writ petition is directed against an order dated September 12, 2019 passed in O.A. 360 of 2019, by which the learned Tribunal negated the claim for compassionate appointment made on behalf of the writ petitioner.

Learned advocate appearing for the writ petitioner submits that, there was a delay in making application for compassionate appointment. The mother did not take the compassionate appointment on the ground of her illness.

Learned advocate appearing for the State draws the attention of the Court to the fact that the employee expired on August 28, 2004. The widow of the employee applied on September 28, 2006. The widow did not pursue her application. Thereafter, the writ petitioner applied on June

14, 2010. The writ petitioner approached the learned Tribunal in 2018 and withdrew the same with liberty to file afresh.

Thereafter, another original application was filed in 2019 in O.A. 360 of 2019 in which, the original order was passed.

It appears from the records made available to Court that the deceased employee expired on August 28, 2004 leaving behind his widow and the writ petitioner as heirs and legal representatives. The writ petitioner was a minor at the time of death. The widow did not apply for compassionate appointment within six months from the date of death. She, however, made a representation dated September 28, 2006 to the Superintendent, R. G. Kar Medical College and Hospital, Kolkata requesting to reserve one post for the writ petitioner till she attains the age of an adult. The widow stated in her representation that, she was not willing to take up the appointment on compassionate ground since she was required to look after the family.

Therefore, in our view, one of the heirs of the deceased employee, who was capable of taking the compassionate appointment, firstly did not apply for the same within the time period prescribed and secondly, did not want

the compassionate appointment for the reason stated in her representation.

The application for compassionate appointment was made by the writ petitioner only on June 14, 2010.

Compassionate appointment is extended to a family of a deceased employee when such family of the deceased is in financial distress. The conduct of the writ petitioner and her family members as noted above allows an inference that the family was not in financial distress requiring compassionate appointment. Moreover, there is a question of lapse of period from the date of death to contend with. Furthermore, employment on compassionate appointment cannot be treated as one of hereditary in nature. Essentially, the writ petitioner is considering a request for compassionate appointment as hereditary in nature.

In such circumstances, we find no ground to interfere with the impugned order.

WP.ST 84 of 2021 is dismissed without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

