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

W.P.A 19042 of 2022

**Debasmita Acharya
-versus
The State of West Bengal & Ors.**

**Mr. Puspall Chakraborty,
Mr. Prasanka Ganguly,
Mr. S. Sarkar.
...For the Petitioner.**

**Mr. Amal Kumar Sen, Ld. AGP,
Ms. Ashima Das (Sil).
...For the State.**

**Mr. Koushik Chatterjee,
Mr. Nilanjan Adhikari.
...For the Respondent
Nos. 3 to 5.**

Affidavit-of-service filed in Court today is taken on record.

The petitioner claims to be the daughter of one Kanchan Acharya who was an employee of the Contai Municipality. The said Kanchan Acharya died-in-harness on 14th June, 2014.

The petitioner submits that after the death of her father, her mother made an application for providing appointment to her on compassionate ground on 25th August, 2014.

The petitioner alleges that the said application was not taken up for consideration.

The petitioner was a minor at the time of death of her father.

On attaining majority, the mother of the petitioner applied on 19th February, 2018 for appointing her daughter, i.e. the petitioner herein on compassionate ground.

The petitioner submits that the said application has also not been considered till date.

Prayer has been made for a direction upon the Municipality for consideration of her prayer for being appointed on compassionate ground.

The prayer of the petitioner is opposed by the respondents. It has been submitted that there is no scheme framed by any Municipality under the State for providing appointment on compassionate ground after the notification published by the Labour Department in the year 2013.

The law relating to appointment on compassionate ground has been well settled by several pronouncements of the Hon'ble Supreme Court.

Compassionate appointments are provided to tide over the immediate financial crisis faced on the death of the bread earner.

The employee in question expired on 14th June, 2014. Though the widow of the employee applied for her appointment on 25th August, 2014, but thereafter, for reasons best known to her, did not press or proceed with the said application.

In the present writ petition, the widow has not been impleaded as party. The daughter of the employee has filed the writ petition independently seeking her engagement.

Admittedly, on the date of death of the employee, the daughter i.e. the petitioner herein, was a minor.

There is hardly any scope for reserving vacancy for providing employment to the heir of the deceased after he/she attains majority as held by the Hon'ble Supreme Court in the matter of Sanjay Kumar -vs- State of Bihar & Ors. (2000) 7 SCC 192.

The employee has died long ago. At this distant point of time, there is no scope for showing any compassion to the family of the deceased. The object to provide immediate financial relief will be frustrated if any order is passed for consideration of the petitioner's prayer at this stage.

In view of the above, the prayer of the petitioner seeking consideration of her application for providing appointment on compassionate ground cannot be accepted.

As the writ petition is not being entertained in view of the facts mentioned hereinabove, accordingly, the submission made on behalf of the State respondents with regard to non-availability of the scheme for providing appointment on compassionate ground is not being adjudicated herein.

The writ petition, accordingly, fails and is hereby dismissed.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)