

05.07.2023
Item No.45
Ct. No.5
CHC
(dismissed)

W.P.S.T.151 of 2016

**Manoj Kumar
Vs.
The State of West Bengal & ors.**

Mr. Shanit Sanyal,
Ms. Priyakshi Banerjee
...for the writ petitioner

Mr. Tapan Kr. Mukherjee, Sr. Advocate & A.G.P.
Mr. Somnath Naskar
...for the State respondents

The writ petition is directed against an order dated February 2, 2012 rejecting the Original Application being O.A.79 of 2011.

The writ petitioner approached the Tribunal for grant of compassionate appointment. Tribunal rejected such claim.

State is represented.

It appears from the records that, the employee died-in-harness on May 15, 2004. The employee was the mother of the writ petitioner. The father of the writ petitioner was in gainful employment at the material point of time, that is on the date of death of the mother of the writ petitioner. The father of the writ petitioner expired on January 9, 2010. It is thereafter that, the writ petitioner applied

for compassionate appointment for the death of his mother on January 11, 2011.

In the facts adumbrated above, the family cannot be said to be in dire financial constraints on the date of death of the mother of the writ petitioner on May 15, 2004. The father of the writ petitioner was in gainful employment at the material point of time. The father of the writ petitioner did not apply for compassionate appointment.

In such circumstances, we find no material irregularity in the impugned order of the Tribunal warranting interference by the Writ Court.

W.P.S.T. 151 of 2016 is dismissed without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)