

25.09.2023  
Item No. ML. 175  
Crt.No.22  
b.r.

WPA 18473 of 2019

***Sekendar Ali***  
***-vs-***  
***The State of West Bengal & Ors.***

**Mr. Sajal Kanti Bhattacharyya**  
**Mr. Sankar Halder**  
**.... For the petitioner.**

The petitioner claimed to be the son of one **Abdus Samad** since deceased who was working as a **Clerk at Raj Khanda High School, District- Murshidabad**. The employee **died on March 31, 1997 annexure p-1 at page 10** to the writ petition. The **Pension Payment Order annexure P2 at page-11** to the writ petition shows the dependants received the family pension. The petitioner after attaining majority being the son of the deceased employee has appeared **Alim Examination in 2010** as would be evidence from **annexure p-3 at pages 12,13 and 15** to the writ petition. The Admit Card of the petitioner showing his appearance for **Higher Secondary Examination for the year 2012 at page-14** to the writ petition.

The petitioner lastly through its advocate made a representation dated **August 9, 2019** before the **respondent no.3 annexure p-6 at Page 24**. Both the writ petitions and the said representation on behalf of

the petitioner are silent as on the date of application made by the petitioner seeking compassionate appointment.

Mr. Sajal Kanti Bhattacharyya, learned advocate, appears for the petitioner prays for a direction for considering the representation of the petitioner dated **August 9, 2019 by the respondent no.3.**

None appears for the respondents.

After considering the submissions made on behalf of the petitioner and after corroborating the evidence disclosed through the writ petition and the materials available on record, this Court is of the firm view that the petitioner at least could not have applied before 2010, seeking compassionate appointment, which is admittedly long after two years of lapse from the date of the death of the deceased employee, who died on March 31, 1997.

Compassionate appointment is not a matter of right. The same depends upon the benevolent policy of the State. Neither such an appointment can be treated as an alternative mode of generation of employment. Compassionate appointment is provided to the family of the deceased employee, who being the sole bread earner of the family had died untimely and suddenly, for the immediate survival of the family and by meeting the day to day expense.

In the facts of the instant case, as discussed above, this Court of the opinion that the family could survive at least till 2010 though the deceased employee died in 1997. There was no immediate requirement of family support when the employee died.

In view of the foregoing reasons and discussions, the prayer for compassionate appointment in the facts of this case made by the petitioner is not sustainable in law and facts.

This writ petition, **WPA 18473 of 2019** being devoid of any merit stands **dismissed**, without any order as to costs.

**(Aniruddha Roy, J.)**