

08.
26.9.2023
S.D.

W.P.A. 21761 of 2023

Biswajit Sahoo
Vs.
The West Bengal State Electricity Development
Corporation Limited & Ors.

Mr. Sukumar Ghosh
Ms. Moumita Ghosh
..For the Petitioner

Mr. Debanjan Mukherjee
Mr. Aniruddha Ganguly
....For the WBSEDCL

The petitioner has challenged impugned orders dated September 27, 2022 and June 27, 2023. The petitioner's father was a permanent employee of West Bengal State Electricity Distribution Company Limited (WBSEDCL). He died-in-harness on October 22, 2010. The petitioner prayed for compassionate appointment.

The petitioner was found eligible in the selection test. The petitioner qualified in the written test as well as *viva voce* held on September 5, 2013 and September 6, 2013 respectively.

The petitioner was asked to submit a Computer Certificate, which was an essential criterion for considering his candidature to the post of Office Executive.

There was no communication between the parties for 9 years. After a gap of 9 years, the petitioner submitted his relevant Computer Certificate on July 20, 2022 and prayed for consideration of his prayer for compassionate appointment.

The Manager (HR & A)/respondent authority found that there was no communication from the end of the petitioner for 9 years and also no intimation as to why he failed to submit the said Certificate within the stipulated time.

It was held by the authorities that the principle on which compassionate appointment is granted is to provide financial assistance to the bereaved family that may be caused by the sudden demise of earning member of the family. However, after a gap of more than 12 years from the date of death of the employee, prayer for compassionate appointment cannot be granted.

The fact that the petitioner did not submit the relevant Computer Certificate within a reasonable period

of time and also did not intimate the authorities the reason for non-submission of the same clearly showed his unwillingness to employed for the post of Office Executive, on compassionate ground.

The petitioner also made a prayer for engagement in the Group-D category on January 24, 2023. The same prayer was reiterated on April 26, 2023 and April 27, 2023.

The petitioner's prayer was rejected on June 27, 2023 by the Manger (HR & A) since after a gap of almost 12 years, the petitioner prayed for appointment in the Group-D post.

Mr. Ghosh, learned counsel appearing on behalf of the petitioner submits that the petitioner's representation should have been considered sympathetically by the respondent authorities.

Mr. Mukherjee, learned counsel appearing on behalf of the WBSEDCL submits that the petitioner himself did not have the Certificate that was required for appointment on the compassionate ground and now cannot allege that the respondent authorities were at fault.

Considering the rival submissions of the parties and the materials placed on record, this Court finds that compassionate appointment is granted in order to provide immediate succour to the bereaved family that may arise due to the financial hardship caused by the death of the earning member of the family.

Had the petitioner been in the need of immediate financial assistance, the petitioner would have submitted the requisite Certificate immediately after he was selected in 2013. Compassionate appointment is not a matter of right. It is a prayer before the authorities concerned to provide the same for avoiding immediate financial hardship.

A beneficial reference may be made to an order/judgment passed by the Hon'ble Apex Court in the case of **State of West Bengal vs. Debabrata Tiwari & Ors.** reported in 2023 SCC Online SC 219.

The conduct of the petitioner is not at all appreciated by this Court.

There is no infirmity in the decision making process of the impugned orders dated September 27, 2022 and also June 27, 2023.

Accordingly, **W.P.A. 21761 of 2023** is **dismissed**.

All parties shall act on the server copy of this order duly downloaded from the official **website** of this Court.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all the formalities.

(Lapita Banerji, J.)