

05.10.2023
DL-3
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 22718 of 2023

Himadri Sekhar Bag & Anr.
Vs.
West Bengal State Electricity Distribution
Company Limited & Ors.

Mr. Kishore Mukherjee
....for the petitioner.

Mr. Debanjan Mukherjee
.....for WBSEDCL.

The petitioners challenge the order dated September 2, 2019 in the present writ petition. The petitioners' prayer for compassionate appointment was refused by the impugned order, by the West Bengal State Electricity Distribution Company Limited (WBSEDCL). The father of the petitioner no.1 died-in-harness on April 1, 2011. The petitioner no.1 made a prayer for compassionate appointment on November 19, 2018.

By the impugned order, it was held that the petitioner no.1 has made a prayer for compassionate appointment after a lapse of more than 7 years from the date of death of the deceased employee. Furthermore, the petitioner no.1 attained the age of 18 years on March 30, 2014. However, he prayed for compassionate appointment after lapse of a period of

four and a half years from the date of attainment of majority.

Considering the rival submissions of the parties and the materials placed on record, this Court is of the view that the principles on which compassionate appointment is granted are not fulfilled in the present case.

The reason for granting compassionate appointment is to provide immediate financial assistance/succour to the bereaved family members of the deceased employee whose sudden death may have caused financial stringency to the family. Any delay in making a prayer for compassionate appointment will defeat such prayer.

A beneficial reference may be made to the decision of the Apex Court reported in 2023 SCC Online 219 (**State of West Bengal vs. Debabrata Tiwari & Ors.**).

Therefore, this Court finds no infirmity in the decision making process of the impugned order dated September 2, 2019.

Accordingly, **WPA 22718 of 2023 is dismissed.**

Since no affidavits have been directed to be exchanged in the writ petition, the allegations contained therein are deemed not to have been admitted by the respondents.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Hon'ble Court.

Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(Lapita Banerji, J.)