

05.12.2023
Item No.03
Court No.11
Avijit Mitra

WPST 172 of 2023

In re: An application under Article 226 of the Constitution of India;

And

Bijay Kumar Mahato & anr.
- Versus -
The State of West Bengal & ors.

Mr. Tarapada Das,
Ms. Janaki Khan

....for the petitioners

Mr. Tapan Mukherjee, Ld. A.G.P.,
Ms. Sangeeta Roy

....for the State respondents

Affidavit of service filed by the petitioners be kept on record.

The present writ petition has been preferred challenging an order dated 9th January, 2023 passed by the learned tribunal in the original application being OA No.430 of 2022.

Heard Mr. Das, learned advocate appearing for the petitioners and Mr. Mukherjee, learned Additional Government Pleader appearing for the State respondents.

Indisputably, the father of the petitioner no.1 died-in-harness on 25th May, 2010, when the petitioner no.1 was about six years old, as his date of birth is 29th October, 2003. The prayer for compassionate appointment of the petitioner no.1 has been rejected placing reliance upon the scheme for compassionate

appointment contained in the notification dated 3rd December, 2013.

The whole object of granting compassionate appointment is to enable the family members of the deceased employee to tide over the financial distress. There is no provision under the relevant scheme towards preservation of right of a minor applicant to obtain an appointment on compassionate ground till he attains majority.

In the said conspectus, we do not find any infirmity in the order of the learned tribunal and as such no interference is called for in the present writ petition.

The writ petition is, accordingly, dismissed.

There shall, however, be no order as to costs.

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

(Gaurang Kanth, J.)

(Tapabrata Chakraborty, J.)