

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 597 of 2023

**Krishna Bhuiya & Anr.
-versus
Rishra Municipality & Ors.**

**Mr. S. Banerjee.
Mr. S. Mukherjee.
Mr. Soumajit Majumdar.
...For the Petitioners.**

**Mr. Rajendra Chaturvedi.
...For the Municipality.**

**Ms. Debdooti Dutta.
... for the State.**

The fathers of the petitioners were employees of the Rishra Municipality. Their fathers died in harness. The petitioners applied for appointment on compassionate ground. The Municipality forwarded their request to the Director of Local Bodies. The same not being considered, the petitioners are before this Court.

The petitioners are already working on contractual basis with the Municipality at present.

Learned advocate representing the petitioners submits that this is not a case of appointment on compassionate ground simplicitor. There was a communication made by the Director of Local Bodies to the Municipality seeking for the list of eligible nearest relatives who can be appointed as compassionate ground. Pursuant to the said request, the Municipality forwarded a list of the persons who were eligible for

being appointed on compassionate ground. The names of the petitioners are included in the said list.

Prayer has been made to make the service of the petitioners permanent as they are already working in the municipality.

Learned advocate representing the Municipality and the State respondents submits that there is no scheme pursuant to which appointment on compassionate ground can be given to the heirs of the deceased employee of the Municipality.

The Hon'ble Supreme Court has laid down that in the absence of a proper scheme, appointment on compassionate ground cannot be allowed.

None of the parties have been able to produce any scheme according to which the appointment may be granted or any order can be passed for making the service of the petitioners, permanent on compassionate ground.

The fact that the Director of Local Bodies sought for the names of the eligible persons to be appointed on compassionate ground does not create any right in favour of the petitioners to seek to either seek permanency or to seek appointment on compassionate ground.

In view of the above, no relief can be granted to the petitioner in the instant writ petition.

The writ petition fails and is hereby dismissed.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)