

06 19.02.2024
NB/AGM Ct. 24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
(Appellate Side)

WPA 1488 of 2024

Suman Baulia
Vs.
The State of West Bengal & Ors.

Mr. Abhratosh Majumder Sr. Adv.,
Mr. Avra Mazumder,
Mr. Sayan Sinha,
Mr. Kausheyo Roy,
Mr. Nilanjan Bhattacharyya,
Mr. Soham Kumar,
Mr. Adil Naser.

..for the petitioner.

Mr. Lalit Mohan Mahata Id. AGP.,
Mr. Ziaul Haque.

...for the State.

The petitioner seeks appointment on compassionate ground. The grandfather of the petitioner was a Gram Panchayat Karmee. He died in harness on 19th March, 2007. The father of the petitioner applied for appointment on compassionate ground on May 26, 2007. The said application was processed by the respondent authorities on 29th September, 2011. The father of the petitioner was directed to resubmit the application for appointment.

While the application made by the father of the petitioner was being processed, he expired on 05.03.2016. The petitioner was a minor at the time of death of his father. The petitioner attained majority in the year 2019 and made application for obtaining appointment on compassionate ground on 26th August, 2022.

The instant writ petition has been filed seeking a direction upon the respondent authorities to consider the said application made by the petitioner seeking appointment on compassionate ground.

The law relating to appointment on compassionate ground has been settled by various decisions delivered by this Court and also by the Hon'ble Supreme Court.

The very purpose of providing appointment on compassionate ground is to tide over the immediate financial crisis faced by the family on the death of the bread earner.

In the instant case, the employee expired in the year 2007. Thereafter application was made by the son of the deceased employee. While the same was being processed, the son of the employee also expired in 2016. The petitioner was not eligible for appointment on the day his father died. At such a belated point of time, compassion cannot be shown to the petitioner. There is no provision for reservation of vacancy for permitting employment on compassionate ground till the heir of the deceased attains majority. The very idea for providing compassionate appointment is to ensure that the family of the deceased gets immediate relief. Appointment on compassionate ground cannot be claimed as a matter of right.

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

(Amrita Sinha, J.)