

04-03-2024
ct no. 13
Sl. 137
sp

WPA 4967 of 2021
Md. Masud Rana
-Versus-

The State of West Bengal & Ors.

Mr. Habibur Rahaman,
Ms. Jasika Alam,
Mr. A. Singh

..for the petitioner

Mr. Arindam Chattopadhyay,
Ms. Lipika Chatterjee

....for the State

Md. Sarwar Jahan

...for the respondent no. 4

1. The petitioner is the fourth son of a deceased teacher, Anuwara Bewa @ Anwara Bewa who died-in-harness on March 10, 2010. It is submitted that the second and third son are employed as teacher and the RPF respectively. The daughter is married. The first and sixth sons are unemployed. The sixth son was getting pension until the age of 25 years.
2. It further appears that the gratuity payable on account of the deceased teacher was shared equally between four sons.
3. There are, in effect, two dependants of the deceased.

4. It appears from the above that the family of the deceased was never in penury or hardship or financial distress.
5. It is now well-settled that compassionate employment is not a source of employment but an exception thereto. It is aimed at preventing the family of the deceased from falling into starvation and penury.
6. This Court is of the view that the petitioner's claim for compassionate employment at the relevant point of time and now at a belated stage, is not maintainable.
7. With the aforesaid observations, the instant writ petition is disposed of without any order.
8. There shall be no order as to costs.
9. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all formalities.

(Rajasekhar Mantha, J.)