

26.06.2024  
Item No.29  
Ct. No.26  
CHC

**M.A.T. 747 of 2023**  
**IA NO: CAN/1/2023**

**Shantanu Basu**  
**Vs.**  
**The West Bengal State Electricity Distribution**  
**Company Ltd. & ors.**

Mrs. Juin Dutta Chakraborty, Advocate  
Mr. Debasish Kundu, Advocate  
Mr. Souma Subhra Roy, Advocate  
...for the appellant

Mr. Supriyo Chattopadhyay, Advocate  
...for the WBSEDCL

Appeal is directed against an order dated March 30, 2023, passed in W.P.A. 2218 of 2023 rejecting the prayer for grant of compassionate appointment of the appellant.

Learned advocate appearing for the appellant refers to the Rules governing compassionate appointment. She submits that, although, there was an upper age limit prescribed in the Rules governing grant of compassionate appointment, such upper age limit is relaxable. Death occurred while the employee died during performance of his official duties. She submits that, in the facts and circumstances of the present case, the deceased employee was engaged in the cash department of the respondents and that, the deceased employee died due to heart attack while discharging official duties. She refers to Clause 6(b) and (f) of the West Bengal State Electricity

Distribution Company Limited Recruitment Policy- 2010 and submits that, the authorities misconstrued and misapplied such provisions while denying the claim for compassionate appointment made by the appellant.

Distribution Company is represented.

Father of the appellant was an employee of the Distribution Company. Father of the appellant expired on February 2, 2022. Father of the appellant died due to heart attack while discharging duties in the cash department of the Distribution Company.

Appellant as the son applied for grant of compassionate appointment. Compassionate appointment to deceased employee of the Distribution Company is governed by the provisions of the Recruitment Policy, 2010. Relevant portions of such grant of compassionate appointment are as follows:

**“6(b)** *Upper age limit shall not be more than 40 years for the spouse and 30 years for other dependants as on the date of the death/premature retirement on permanent disablement of the employee.*

**(f)** *However, a dependant of the family who died while performing job in any electrical installation of the Company due to accident but directly in course of discharging his official functions may be offered employment with relaxation of age and qualification and in the manner as may be considered appropriate by the CMD.”*

On the date of death, appellant was in excess of 30 years of age. Appellant seeks relaxation of age in view of Clause 6(f) of the Policy of 2010.

In our understanding, Clause 6(f) of the Policy of 2010 allows the authorities to consider relaxing the age and qualification for the purpose of grant of compassionate appointment on the occurrence of three simultaneous eventualities namely:-

- (i) The employee died while performing job in any electrical installation of the Distribution Company;
- (ii) Such death was due to an accident;
- (iii) Such death due to accident at the electrical installation was directly in course of discharging of his official function.

In the facts and circumstances of the present case, although, the deceased employee satisfied one of the three conditions for grant of upper age and qualification relaxation i.e., death occurring while discharging official function, the other two conditions namely, the employee performing job at the electrical installation and the death occurring due to accident were not fulfilled.

In such view, the decision of the authorities in rejecting the prayer for relaxation of age, as recorded in the writing dated September 8, 2022 cannot be faulted.

Learned Single Judge rightly did not interfere with such decision of the authorities.

We, therefore, do not find any merit in the present appeal.

M.A.T. 747 of 2023 along with connected application IA NO: CAN/1/2023 are dismissed without any order as to costs.

**(Debangsu Basak, J.)**

**(Md. Shabbar Rashidi, J.)**