

S/L. 16
20.11.2024
Court No.10
(S D)

WPA 14239 of 2023

Manikanchan Bag
Vs.
The State of West Bengal & Ors.

Mr. Keshab Chandra Das ... For the Petitioner.

Mr. N.C. Behani
Mr. P.B. Bihani ... For the State.

The grievance of the writ petitioner is directed against the refusal of the respondent authority to grant compassionate appointment to the petitioner.

It is submitted on behalf of the petitioner that despite the petitioner's father having expired on 12th February, 2001 and the application for compassionate appointment being made on 12th July, 2006, the respondent authorities have failed and refused to grant compassionate appointment to the petitioner.

In such view of the matter, it is submitted that the petitioner is entitled to compassionate appointment and the respondent authorities have wrongfully and illegally failed to provide the same.

On behalf of the State respondents, it is submitted that in terms of the Notification dated 16th June, 2005, no

appointment on compassionate ground can be offered to the dependant of an employee who dies in harness or who retires prematurely on being declared permanently incapacitated after completion of twenty years of service or after attaining fifty years of age, whichever is earlier. In the instant case, the father of the petitioner was born on 10th August, 1941 and died on 12th November, 2001 after attaining at the age of fifty nine years.

In view of the above, there is no question of appointment in place and instead of the deceased father of the petitioner and there is no legal right that the petitioner has been able to demonstrate to justify compassionate appointment.

In such view of the matter WPA 14239 of 2023 stands dismissed.

However, there shall be no order as to costs.

(Ravi Krishan Kapur, J.)