

21.05.2024.
Court No.13
Item No. 61
ap

W.P.A. No. 14819 of 2023

**Soumajit Singha & Ors.
Versus
The State of West Bengal & Ors.**

Mr. Sandip Ray.

...For the petitioners.

Mr. Jayanta Samanta,
Mr. Manas Kumar Sadhu.

...For the State.

Mr. Sharanya Chatterjee.

...For the respondent nos.4 to 6.

1. The petitioners applied for compassionate employment upon the death of their father while in service of Kalyani Spinning Mill Limited, which is a State Undertaking. The father died in 2009-2010. The petitioners' claimed to have made application for compassionate employment in the year 2015.
2. It is now settled law that compassionate employment is not a matter of right or a regular source of employment. It is aimed at preventing the family of the deceased from going into starvation and penury.
3. It is clear from the five years delay in applying for compassionate employment after the death of the father that there was no immediate need for financing the family.
4. The claims of the petitioners for compassionate employment is therefore, even otherwise hopelessly barred by delay and laches.

5. Counsel for the petitioners points out a letter of the Managing Director of Kalyani Spinning Mill Limited dated 9/17th February, 2023 addressed to the Joint Secretary, Government of West Bengal.

6. It is baffling to note that the Managing Director feels the need to consider the cases for compassionate employment pending since 2008 in the year 2023.

7. Counsels for the State and the Company submit that there is no scheme for compassionate employment in Kalyani Spinning Mill Limited.

8. In those circumstances, the question of keeping any application for compassionate employment alive by the Managing Director does not and cannot arise. The Joint Secretary, Government of West Bengal, Micro and Small Scale Enterprise and Textile Limited shall appropriately apprise the Managing Director of Kalyani Spinning Mill Limited of the position of law on the subject.

9. In view of the above, the instant writ petition must fail and is hereby dismissed.

10. There will be no order as to costs.

11. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

