

Item No.221

06.02.2024
Ct-24

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 18704 of 2023
Arup Mahato
v.
The State of West Bengal & Ors.

Mr. Himadri Sikhar Chakraborty
Sk. Samsul Arefin
... for the petitioner.

The petitioner seeks appointment on compassionate ground. The employee in question expired on November 8, 2009. Application was made in the year 2010 for obtaining compassionate appointment. The said application was, however, not proceeded with in the right earnest. Further application was made in the year 2023.

It is settled law that appointment on compassionate ground is meant to tide over the immediate financial crisis faced by the family of the employee on the death of the bread-earner.

In the present case, father of the petitioner expired on November 8, 2009. Thereafter, the application made for compassionate appointment in the year 2010 was not actively proceeded with by the heirs of the deceased employee.

All on a sudden in 2023 a representation has been filed seeking revival of the claim for compassionate appointment. At such a delayed point of time there is hardly any scope to show compassion to the petitioner.

Appointment on compassionate ground cannot be claimed as a matter of right and it depends upon the scheme and the facts and circumstances of the case.

In the case at hand, the petitioner did not follow up with the application at the first instance and at such a delayed point of time there is no scope to show compassion to the petitioner.

The writ petition fails and is hereby dismissed.

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

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(Amrita Sinha, J.)