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NB Ct. 24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
(Appellate Side)

WPA 20266 of 2023

Bidesh Bera
Vs.
The State of West Bengal & Ors.

Mr. Amit Baran Dash,
Ms. Ankana Sarkar.
..for the petitioner.

The order dated 12th May, 2023 passed by the Assistant Secretary, Government of West Bengal, Panchayats and Rural Development Department is impugned in the instant writ petition.

By the impugned order, the prayer made by the petitioner for appointment on compassionate ground has been rejected on the ground of delay.

Fact remains that the father of the petitioner was an employee of the Gram Panchayat who died in harness on 24th September, 1989. The petitioner was a minor when his father expired. The mother of the petitioner applied for giving the job to her son that is the petitioner herein after he attains majority. The petitioner attained majority in the year 2007 and thereafter the petitioner applied for obtaining appointment on compassionate ground. The prayer stood rejected in May, 2023.

The issue of appointment on compassionate ground has been settled by various decisions passed by this Court and also

by the Hon'ble Supreme Court. The very idea for providing compassionate appointment is to enable the family of the deceased employee to tide over the immediate financial crisis faced on the death of the bread earner. In the present case, the father of the petitioner expired in the year, 1989. As such at a delayed date, there is hardly any scope for showing compassion to the petitioner. The immediacy in providing the job on compassionate ground does not remain after more than three decades of death of the employee.

Moreover, at the time of death of his father, the petitioner was a minor. There is no scope for reservation of vacancy for providing appointment at a later date to an heir of a deceased employee after he attains majority.

In view of the above, the Court does not find any error in the impugned order.

The writ petition fails and is hereby dismissed.

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

(Amrita Sinha, J.)