

26.09.2024
Item No.50
Court No.1
CHC
(dismissed)

***Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side***

WP.ST 4 of 2021

**Smt. Sankari Das
Vs.
The State of West Bengal & ors.**

Mr. Debabrata Dhar, Advocate
(in virtual platform)
...for the petitioner
Mr. Pretom Das, Advocate
...for the State

1. Affidavit-in-opposition filed in Court be taken on record.
2. Writ petition is directed against order no.10 dated May 21, 2010 passed in O.A. 1045 of 2004.
3. By the impugned order, West Bengal Administrative Tribunal dismissed the Original Application for grant of compassionate appointment on the ground that, the applicant could not be considered as a dependent of the deceased employee.
4. State is represented.
5. We find from the record that, the writ petitioner before us claims compassionate appointment as the grandchild of the deceased employee.
6. Scheme of compassionate appointment governing the deceased employee does not encompass a

grandchild to be a person entitled to grant of compassionate appointment on the death of such employee. Provisions of the Senior Citizen Act is canvassed to say that since the writ petitioner before us the grandchild is liable to maintain grandparent, therefore, compassionate appointment should be granted.

7. With respect, we are unable to subscribe to such view. The provisions of the Act cannot be deployed for the purpose of governing the compassionate appointment. Compassionate appointment is governed by the scheme governing the deceased employee.
8. Learned Tribunal noted that, the mother of the writ petitioner was alive and that she was an employee of the Health Department.
9. Therefore, there is no immediate financial need of the family. That apart, the mother of the writ petitioner is competent to look after her mother who is the grandparent concerned.
10. In such circumstances, we find no merit in the present writ petition.
11. WP.ST 4 of 2021 is **dismissed** without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)