

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Jurisdiction

36 11.9.2024
Sc Ct. no.2

WPA 1864 OF 2024

Mr. Dil Bahadur Bhujel

Vs.

The Principal Secretary, Public Enterprises
& Industrial Reconstruction Department,
Govt. of West Bengal & Ors.

Mr. Pratap Khati
Ms. Bandana Rai.

....For the Petitioner

Mr. Subir Kumar Saha, Ld. AGP
Ms. Pratusha Dutta Chowdhury.

....For the Respondents
State

Affidavit-of-service, filed in Court today, is
taken on record.

Mr. Pratap Khati, learned advocate appears
for the petitioner.

Ms. Pratusha Dutta Chowdhury, learned
advocate led by Mr. Subir Kumar Saha, learned
Additional Government Pleader appears for the
State respondents.

This is the second round of writ litigation.

The petitioner claims compassionate
appointment since his father died-in-harness on
November 23, 1995. The application for
compassionate appointment was submitted by this

petitioner, namely, **Sri Dil Bahadur Bhujel** on **January 4, 1999** as would be evident from the order of the District Magistrate dated **January 28, 2015 at page 64** to this writ petition.

In the first round of writ petition a coordinate Bench passed its order on **September 15, 2014** in **W.P. 25384 (W) of 2014** directing the authority to consider the case of the petitioner. Pursuant to and in terms of the said direction the case of the petitioner was considered by the respondent no.3 when he referred the matter before the Government for consideration as would be evident from the order of the respondent no.3 dated **March 24, 2015 at page 65** to the writ petition. By a communication dated **February 10, 2016 at page 77** to the writ petition, the commissioner informed that, there was no policy in existence for **Appointment on Compassionate Ground** in **State Public Sector Enterprises** where the father of the petitioner was working, under the notification dated **April 28, 2015**.

Be that as it may, the elementary rule relating to compassionate appointment is that, to seek a compassionate appointment the intending candidate must apply **within the period of two years from the date of the death**. In the facts of this case death took place on **November 23, 1995**

and the application was filed on **January 4, 1999**, as narrated above, admittedly far after **two years** from the **date of death**.

To provide compassionate appointment is a benevolent policy of the State. Such policy has to be followed in its strict spirit and sense. The policy for compassionate appointment provides that, the application must be submitted within **two years** from the **date of death**.

In view of the foregoing reasons and discussions and considering the stringent employment scenario prevailing, this Court is of the firm view that, no equity can be shown to the petitioner and this writ petition is totally devoid of any merit and is liable to be **dismissed**.

In view of the above, this writ petition, **WPA 1864 of 2024** stands **dismissed**, without any order as to costs.

(Aniruddha Roy, J.)