

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

WPO/120/2024
AASHUTOSH KUMAR
-VS-
THE STATE OF W.B. AND ORS

BEFORE:

The Hon'ble JUSTICE RAJASEKHAR MANTHA

Date : 21ST MARCH, 2024.

Mr. D. Basu, Adv.

Mr. S.K. Mitra, Adv.; Mr. A. Pal, Adv.

Ms. D. Chattaraj, Adv.; Ms. A. Dutta, Adv.

The Court: 1. The petitioner seeks compassionate employment on account of death of his father who was an employee of the WBTC.

2. The petitioner claims to have made an application for such compassionate employment on September 15, 2005. The same was confirmed by the respondents on February 24, 2014. The formal application was made by the petitioner on September 22, 2010.

3. At the request of the respondents, the petitioner made an application in the proforma of the respondents on March 10, 2014. The petitioner has been absolutely silent thereafter.

4. Reference is made by the counsel for the petitioner to certain replies under the RTI Act and affidavits filed by the employer in proceedings instituted by other

applicants for compassionate employment. It is sought to be demonstrated that there are a number of vacancies.

5. It also appears that the WBTC(CTC) have maintained some register of applicants for compassionate employment. The same by itself cannot confirm any right on the petitioner.

6. It is now well settled in terms of the decision in the case of **Umesh Kumar Nagpal –vs- State of Haryana & Ors.**, reported in (1994) 4 SCC 138, that compassionate employment is not a regular source of employment. It is an exception. It is aimed at bailing out a family from falling into starvation and penury upon the death of the sole breadwinner.

7. Even assuming that there had been any lapse on the part of the respondents in processing the application of the petitioner from time to time, the petitioner has been silent since after the year 2014 when he submitted an application in a proforma submitted by the WBTC.

8. By no stretch of imagination can it be inferred in the facts that the petitioner's family was in starvation continuously from 2004 even until 2014, much less in 2024 when the writ petition was filed.

9. In those circumstances, no relief can be granted to the writ petitioner for the inordinate delay and laches in approaching this Court. However, in the event the petitioner's application has been processed to any length or the petitioner remains in any register of the respondents, they may take steps in accordance with law and their applicable rules and policies thereon.

10. The writ petition is disposed of.

(RAJASEKHAR MANTHA, J.)