

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

22 23.4.2025
Sc Ct. no.2

WPA 8145 OF 2025

Sumit Chatterjee

Vs.

Union of India & Ors.

Ms. Nabanita Chatterjee

Mr. Amitabha Ghosh.

....For the Petitioner

Mr. Shyamal Kumar China

....For the Respondent

No. 3

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

Ms. Nabanita Chatterjee, learned Advocate appears for the petitioner.

Mr. Shyamal Kumar China, learned Advocate appears for the respondent no.3.

The writ petitioner is the son of a deceased bank employee. The verification of the writ petition shows that the petitioner at present is about **32 years** old. The father of the petitioner who was a bank employee died on **November 24, 2020**. The widow being the mother of the petitioner has been receiving Family Pension.

The petitioner submits that, the mother of the petitioner who has been receiving Family Pension has not been looking after the petitioner. It is also submitted that

the petitioner is a married man and has been jobless. Since the mother of the petitioner has not been looking after the petitioner, he cannot survive.

The petitioner applied before the bank to obtain an employment. By a communication dated **November 13, 2023, Annexure-P3 at page 34** to the writ petition the bank has rejected the prayer for appointment made by the petitioner with detailed reasons. The relevant finding in support of such rejection is quoted below :

“Since you are receiving Rs.66346.22 per month (Annexure-5 enclosed) in the shape of notional interest & pension, which is greater than sixty percent of last drawn salary and also greater than twenty eight thousand rupees. Therefore the family does not come under the indigent family criteria.

Therefore, the competent authority has declined your request for appointment on compassionate grounds.”

Ms. Nabanita Chatterjee, learned Counsel appearing for the petitioner claims for a further consideration by the bank in support of the claim for employment made by the petitioner.

Mr. Shyamal Kumar China, learned Advocate appearing for the respondent no.3 submits that the terminal benefits to which the deceased employee was entitled to has been paid. The widow being the mother of the petitioner has been receiving the Family Pension.

The claim for compassionate appointment made by the petitioner was considered and was duly rejected by the bank with the finding as quoted above, as the

petitioner is not eligible to receive the compassionate appointment in accordance with law.

Compassionate appointment is not an alternative mode of generation of employment neither a mode for distribution of employment. Compassionate appointment is a result of a benevolent and welfare policy of the State/employer. Such an appointment cannot be claimed as of right. It is discretion of the employer. Such an appointment is granted to recover the immediate crisis of the family after the untimely death of the employee.

In the facts of the instant case it appears that sufficient means are available for survival of the family.

Additionally, from the submissions made on behalf of the petitioner it appears that even at the age of **32** though the petitioner is a married person has not been doing anything for his livelihood and still depends upon the old mother who survives on Family Pension. Both law and equity do not permit such a claim to be entertained by this Court.

This Court does not find any infirmity in the reasons for rejection mentioned in the said letter dated **November 13, 2023, Annexure-P3 at page 34** to the writ petition.

In view of the above, the writ petition being totally devoid of any merit and should be dismissed in *limine*.

Accordingly, this writ petition, **WPA 8145 of 2025** stands **dismissed**, without any order as to costs.

Photostat certified copy of this order, if applied for,
be furnished expeditiously.

(Aniruddha Roy, J.)