

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

10.06.2025
Ct. no.2
Daily list Sl. 6
Moumita

WPA 11390 of 2025

**Munni Devi & Ors.
Vs.
Union of India & Ors.**

**Mr. K.B.S. Mahapatra
Mr. Aditya Shit
Ms. Arifa Sultana**

.... For the Petitioner

Mr. Pradip Paul

....For Union of India

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

Mr. K.B.S. Mahapatra, learned advocate appears for the petitioner.

Mr. Pradip Paul, learned advocate appears for Union of India.

This is a second round of writ litigation claiming compassionate appointment. The writ petitioner is the widow of the deceased employee.

In the first round of writ litigation a co-ordinate bench by its order dated **July 8, 2024 annexure p-21 at page 72** to the writ petition directed the authority to consider the claim of the writ petitioner and to pass a reasoned order. The authority had considered the claim of the petitioner and passed its reasoned order dated

September 21, 2024 annexure p-22 at page 75 to the writ petition.

The relevant finding from the impugned order is quoted below:

“04. The undersigned (respondent no. 5) went through the entire case file as well as submission made by the petitioner (both verbal and written) and instructions/Guidelines issued by DoPT and CISF HQrs New Delhi, in this regard. It was found that her first son, Mr. Ghanshyam Mahato, had already been appointed as Constable/GD in CISF on Compassionate Grounds and he joined CISF on 18.03.2006 at RTC Bhilai for undergoing basic training. Subsequently, his service was terminated wef. 31.07.2007 by the Commandant, CISF RTC Bhilai during the course of his basic training due to overstaying on medical home rest and not reporting back to CISF RTC Bhilai even after issuing of three call up notices by the Commandant, CISF RTC Bhilai.

05. As per Govt. of India, Ministry of Personnel, Public Grievances and Pensions (Department of Personnel & Training-DoP&T) Office Memorandum F.No. 14014/1/2022-Estt. (D) dated 02.8.2022 at para-15 and CISF HQrs New Delhi letter no.(2947) dated 02.12.2022 at Para No. 18, the following instructions have been issued:-

“An appointment made on compassionate grounds cannot be transferred to any other person and any request for the same on considerations of compassion should invariably be rejected”.

06. Hence, the submission made by the petitioner i.e. Smt. Munni Devi regarding appointment of her second son, Mr. Radheshyam Mahatao on Compassionate grounds cannot be accepted to.”

Learned counsel for the petitioner challenging the finding of the said impugned order submits that during the first son of the deceased one Shri Ghanshyam Mahato was already appointed and ultimately his appointment was terminated with effect from **July 31, 2007** by the appropriate authority due to overstaying on medical home rest and not reporting back to the employer after issuing notices by the authority.

The petitioner has not produced any material contrary to the said finding mentioned in the impugned order.

The law is well-settled that compassionate appointment is not a matter of right. Through compassionate appointment employment cannot be generated or distributed. It is the welfare policy of the state/employer under a definite scheme. Moreover, the finding on the basis of material from the impugned order shows compassionate appointment was granted to the son of the deceased employee and same was subsequently terminated for the reasons shown therein. A compassionate appointment cannot be granted repeatedly. Inasmuch as to meet the imminent crisis after the untimely death of the employee during his service

tenure, compassionate appointment was granted in the instant case.

In view of the above, there is no further scope for granting any compassionate appointment in terms of the claim made by the petitioner.

Thus, this writ petition is devoid of any merit. The writ petition **WPA 11390 of 2025** being stands ***dismissed*** without any order as to costs.

(Aniruddha Roy, J.)