

15.01.2025
Court No.23
DL – 18
(PP)

**In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

WPA 24938 of 2024

**Swarup Halder
versus
Calcutta Electric Supply Corporation Ltd. & Ors.**

Mr. Sabyasachi Chatterjee,
Mr. Aniruddha Bhattacharyya,
Mr. Debayan Ghosh,
Ms. Poulomi Bose,
Mr. Kiron Sk.

.... for the petitioner.

Mr. Debanjan Mukherjee

....for CESC Ltd.

In this writ petition, the petitioner contends that his father, namely Shankar Halder, who worked as a Senior Engineer, Mains Department, Calcutta Electric Supply Corporation Limited (in short, “CESC Ltd.”) died-in-harness on 25th April, 2023. The petitioner, therefor, is entitled to compassionate appointment. The petitioner had approached CESC Ltd., but nothing has happened after a preliminary medical screening test being conducted. The petitioner, therefor, seeks appropriate direction upon CESC Ltd. to grant compassionate appointment to the petitioner.

CESC Ltd. apart from raising the point of maintainability of the writ petition says that after the medical test the reasons as to why the petitioner cannot

be considered for compassionate appointment has been indicated which the petitioner, however, says to have not been informed to him.

The main issue which falls for consideration is as to whether a writ petition against CESC Ltd., admittedly a company within the meaning of the Companies Act, 2013, is maintainable with regard to a service matter or matters connected thereto. Admittedly, the petitioner's father was a Senior Engineer, and as such his services was not covered by the provisions of Industrial Disputes Act, 1947. There is also no dispute as to payment of gratuity or other retiral benefits.

Compassionate appointment as has been well-settled by this time is not a matter of right. It is an exception culled out from the regular right of employment to support a bereaved family to tide over the sudden financial crisis arising out of the loss of the sole bread-earner. It is as such not a retiral benefit.

In view of the aforesaid, the writ petition is not maintainable as it does not come within any of the exceptions stated in paragraph 27 of the judgment reported in (2003) 10 SCC 733 (Federal Bank Ltd. vs Sagar Thomas & Ors.). That apart and in any event there is a specific judgment in respect of CESC Ltd. delivered by a coordinate Bench, which is reported in (2003) 3 CHN 357 wherein it has been held that writ

petition against CESC Ltd. relating to service matters and claim is not maintainable.

In view of the ratio laid down in the two judgments as aforesaid, I hold that the writ petition is not maintainable.

The writ petition is dismissed.

However, dismissal of this writ petition will not stand in the way in the petitioner availing any other remedy available to him in accordance with law.

(Arindam Mukherjee, J.)