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**IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri**

WP.ST 2 of 2022

**Sri Sandip Nandi
Vs.
State of West Bengal & Ors.**

Mr. Sudipta Kr. Majumdar, Ld. DSGI,
Mr. Ajoy Kr. Singhanian.
...for the Petitioner.

1. One Milan Kanti Nandi who was employed as Compounder-cum-dresser in M. J. N. Hospital, Cooch Behar died on 01.07.2004 while in service. After a lapse of five years, one of his sons applied for compassionate appointment. The matter was agitated before the Tribunal in OA 1213 of 2009 and was rejected vide order dated 29.04.2010.

2. Writ petitioner is another son of the said deceased employee. He took his chance in 2010 and being rebuffed filed an original application before the Tribunal seeking compassionate appointment. Tribunal rejected his application with costs. Petitioner assailed the order before us.

3. Public post is not a heritable asset. Compassionate appointment is an exception to appointment to public post through open competition. It is a privilege extended to the unfortunate dependants of the deceased/incapacitated employee to tide over unforeseen circumstances. Such privilege is required to be availed at the earliest opportunity under the terms of the scheme.

4. In the present case, the deceased employee had expired in 2004. After a lapse of five and half years, one of his sons prayed for compassionate appointment which was turned down by the Tribunal in OA 1213 of 2009. The said order was not challenged but the writ petitioner who is another son again approached for similar relief. The respondent authorities rightly turned down his prayer on the ground that repeated applications are not entertainable at the behest of the heirs of a deceased employee.

5. It is also relevant to note that the livelink between the death of the employee and the prayer for compassionate appointment had already snapped by lapse of more than five and half years.

6. Accordingly, while setting aside the costs imposed upon the writ petitioner, we do not find any merit in the writ petition and the same is dismissed.

7. There will be no order as to costs.

8. Photostat certified copy of this order, if applied for, be given to the learned Advocate for the petitioner on usual undertaking.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)