

*IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI*

**WP.ST/11/2025
SMT, MOUMITA GHOSH
VS
THE STATE OF WEST BENGAL AND ORS
IA NO: CAN/1/2025**

Mr. Anirban Banerjee, Advocate
... .. For the Petitioner

Mr. Nabankur Paul,
Mr. Pradip Sarkar, Advocates
... .. For the State

1. CAN 1/2025 is an application for condonation of delay. For the ends of justice the causes shown in the application for condonation of delay are accepted as sufficient. Delay in making and filing the writ petition is condoned. CAN 1 of 2025 is allowed.
2. Writ petition is directed against an order dated March 20, 2025 passed in CCP No. 9 of 2023 (OA No. 726 of 2019).
3. By the impugned order, learned Tribunal, dismissed the contempt petition.
4. Petitioner sought compassionate appointment on the death of his father before the Tribunal.
5. Father of the petitioner expired on February 13, 2002, in harness. Application for compassionate appointment was made by the mother of the petitioner on June 7, 2002.
6. There is no material on record to establish that the mother of the petitioner was unable to obtain the appointment on compassionate appointment, for herself, on June 7, 2002, on the death of her

husband. She, however, volunteered not to obtain the compassionate appointment for herself but, canvassed the case for and on behalf of the petitioner who was a minor on at that point of time.

7. Compassionate appointment cannot be allowed to be treated as hereditary in nature. In the facts of the present case, the family of the deceased, although being capable of obtaining a compassionate appointment chose not to obtain it, at the material point of time. Plausible inference of such conduct of the mother of the petitioner is that, the family was not in financial penury for the family to obtain compassionate appointment. Family of the deceased was attempting to pass on the right of compassionate appointment, if permissible, to a family member of the deceased, to be obtained at a later point of time. Such course of conduct should not be permitted.
8. We find from the records that the initial order of the Tribunal was not challenged, nor is the order passed by the deciding authority, is under challenge. What is under challenge is an order passed in contempt jurisdiction by the Tribunal.
9. In such circumstances, we find no merits in the present writ petition.
10. WP.ST/11/2025 is, accordingly, **dismissed** without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)