

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 8771 of 2026

Dipak Tantubai
-versus
Food Corporation of India & Ors.

Mr. Soumalya Ganguli
... For the petitioner

Mr. Devajyoti Barman
Ms. Sanjukta Basu Mallick
... For the respondents

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

2. The petitioner claims compassionate appointment. His father was serving in the Food Corporation of India. He died in harness on 28th May, 1998. An application seeking compassionate appointment was filed by the widow. The same not being considered, a writ petition was filed before the Court, being WP No.16859 (W) of 2006, which stood dismissed on 21st March, 2011.

3. The mother of the petitioner, i.e., the widow of the deceased employee, filed a further writ petition, being WP 29987 (W) of 2015, which also stood dismissed on 10th February, 2017. The widow thereafter filed a review petition, being RVW 97 of 2017, seeking review of the order passed on 21st March, 2011 in WP No.16859 (W) of 2006. The said review application also stood dismissed by the Court on 19th February, 2021.

An appeal was carried therefrom, being MAT 429 of 2021. The appeal stood dismissed for default for non-appearance of the parties on 2nd July, 2024.

4. The son of the deceased employee, i.e. the petitioner herein, applied for compassionate appointment on 24th April, 2023 and the same not being considered, he filed a writ petition, being WPA 11896 of 2023, which stood disposed of by the Court on 24th June, 2024, directing the authority to consider his application for compassionate appointment in accordance with the provisions of the scheme, if any.

5. In compliance of the said order, a reasoned order has been passed by the authority on 19th September, 2024, rejecting the prayer of the petitioner seeking compassionate appointment which is impugned in the instant writ petition.

6. The ground for rejection is that the benefit of compassionate appointment does not apply to the dependents of the DPS workers who were upgraded from the Mate/WMC system and were extended various benefits in terms of the Headquarters Circular no.IR(L)/4(15)/94 dated 5th December, 1994.

7. The impugned order records that the father of the petitioner was working as Ancillary Labour in ARDC Alamganj (under DO Burdwan) which comes under Burdwan Complex Depot. The same implies that his father was upgraded from Mate/WMC system to DPS system.

8. Learned advocate for the petitioner submits that similarly placed workers of the Food Corporation of India have been provided compassionate appointment but the petitioner has been illegally discriminated.

9. On a query from the Court with regard to the existence of the scheme pursuant to which the petitioner seeks compassionate appointment, learned advocate for the petitioner has failed to produce any scheme pursuant to which appointment on compassionate ground may be directed to be reconsidered by the authority.

10. On a perusal of the records annexed to the writ petition, it appears that the employee expired on 28th May, 1998. The prayer made by the widow seeking compassionate appointment also stood rejected. The rejection of the prayer for compassionate appointment by the heir of the deceased stood finalized. The petitioner has tried to re-open the case seeking compassionate appointment all over again in the year 2023.

11. Fact remains that on the date of death of the employee, the petitioner was a minor. His right to claim compassionate appointment did not accrue on the said date. It is only after he attained majority that his claim for compassionate appointment came into play.

12. The law relating to appointment on compassionate ground is very well settled. Such appointment is considered only for the purpose of tiding over the immediate financial crisis faced by the family of

the deceased on the death of the bread earner. The same is an exception to the general rule of recruitment. The same can never be claimed as a matter of right. There is no provision for reservation of vacancy for a minor to apply for compassionate appointment after he attains majority.

13. It appears that the widow of the deceased employee and thereafter her son are filing one after other writ petitions, starting from the year 2006 till the year 2026, claiming compassionate appointment despite the fact that the prayer of the widow stood rejected in the year 2011. By filing repeated writ petitions, the claim of the petitioner seeking compassionate appointment cannot be revived.

14. At such a delayed point of time, there is hardly any scope to show compassion to the petitioner for grant of compassionate appointment. Moreover, the petitioner has failed to produce any scheme which permits appointment on compassionate ground to the heirs of the deceased.

15. In view of the above, no relief can be granted to the petitioner in the instant case.

16. The writ petition fails and is hereby dismissed.

17. All parties shall act on the basis of a server copy of this order duly downloaded from the official website of this Court.

18. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)