

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 24897 of 2023

Soumik Singha

v.

The State of West Bengal & Ors.

Mr. Debdutta Raha

Mr. Suvom Dutta

... For the petitioner

Mr. Supriyo Chattopadhyay, AGP

Ms. Tapati Samanta

... For the State

1. Report in the form of affidavit filed on behalf of the State respondents in Court today is taken on record.

2. The prayer of the petitioner seeking compassionate appointment stood rejected on the ground that the deceased was divorced from his wife and the petitioner, being the son of the deceased, lived with his mother who is an employee of the State Government and her gross salary is more than that of the deceased. The authority was of the opinion that the petitioner was not solely dependent on the employee.

3. The petitioner is aggrieved by the same. It has been submitted that though custody of the petitioner was given to his mother, but the petitioner lived with his father. Prayer has been made to set aside the impugned order and direct the authority to consider

the prayer of the petitioner seeking compassionate appointment.

4. From the 'three men committee' report which is annexed to the affidavit filed by the respondents, it appears that the family of the deceased has a two-storied building over own land including two rooms, two veranda, kitchen and lavatory. The wife of the deceased is divorced. The deceased wife earned total salary of Rs.46,360/- per month at the material point of time. The deceased adopted a female child. The daughter of the deceased did not apply for appointment on compassionate ground.

5. Fact remains that the employee expired on 12th April, 2015. The petitioner is unable to prove that he was solely dependent on the earning of his deceased father.

6. As per service jurisprudence, compassionate appointment is allowed only in case of extreme financial hardship faced by the family on the death of the bread winner. Compassionate appointment cannot be claimed as a matter of right.

7. Here, the father of the petitioner expired more than ten years back. There is hardly any scope to show compassion to the petitioner at such a delayed point of time.

8. In view of the facts and circumstances as mentioned hereinabove, the Court is not inclined to interfere in this matter.

9. The writ petition fails and is, accordingly, dismissed.

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

11. Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

(Amrita Sinha, J.)