

11.6.2010
W.P.S.T. 292 of 2010.

POINT:-

Compassionate appointment – The father of the petitioner died in-harness – Whether appointment on compassionate ground can be taken after a lapse of considerable period – Service law .

FACT :-

Father of the petitioner died in-harness on 17th December, 1991 when the petitioner no.2 was aged about only 13 years and, therefore, the prayer for employment on compassionate ground was made by the said petitioner no.2 only after attaining the majority i.e. after long lapse of almost five years. The tribunal had rejected his application against which the Petitioner had filed the present Writ Petition .

HELD :-

Unless the family of the deceased is in need of immediate assistance, the prayer for compassionate appointment cannot be considered by the competent authority. Para 4

The purpose of providing appointment on compassionate ground is only to mitigate the financial hardship due to the death of the only bread earner of the family of the deceased employee. Para 4

The aforesaid humanitarian consideration cannot be taken into account after a lapse of considerable period. Para5

Mr. Chandra Sekhar Bag.
...For the Petitioners.

THE COURT. 1)The learned West Bengal Administrative Tribunal by the impugned judgment and order dated 26th March, 2010 passed in case number O.A.1458 of 2004 rejected the claim of the petitioner No.2 for appointment on compassionate ground.

2)Assailing the judgment and order passed by the learned West Bengal Administrative Tribunal, present writ petition has been filed.

3)From the records, we find that the father of the petitioner died-inharness on 17th December, 1991 when the petitioner no.2 was aged about only 13 years and, therefore, the prayer for employment on compassionate ground was made by the said petitioner no.2 only after attaining the majority i.e. after long lapse of almost five years.

4)Unless the family of the deceased is in need of immediate assistance, the prayer for compassionate appointment cannot be considered by the competent authority. In the present case, immediate need of financial assistance could not exist at the time of submission of the application by the petitioner No. 2 since claim for appointment on compassionate ground was made after a lapse of almost five years from the time of death of the only bread earner of the family. The purpose of providing appointment on compassionate ground is only to mitigate the financial hardship due to the death of the only bread earner of the family of the deceased employee.

5)The aforesaid humanitarian consideration cannot be taken into account after a lapse of considerable period. The learned Tribunal has, therefore, rightly held that the immediate need of assistance cannot be said to exist after a long lapse of almost 18 years from the time of death of the employee concerned.

6)The learned Tribunal also held that the application filed by the applicants/petitioners before the learned Tribunal was barred by limitation which, in our opinion, cannot be said to be erroneous in the facts of the present case.

7)On examination of the impugned judgment and order passed by the learned Tribunal, we find that all the issues raised before the said learned Tribunal have been properly considered and decided strictly in accordance with law. We do not find any illegality and/or irregularity in the impugned decision of the learned Tribunal.

8)Therefore, this writ petition stands dismissed.

9)There will be no order as to costs.

(Pranab Kumar Chattopadhyay, J.)

(Syamal Kanti Chakrabarti, J.)