



09.11.2022
Court No. 19
Item no.75
CP

WPA No. 25563 of 2018

Abhijit Banerjee
Vs.
The State of West Bengal & Ors.

Mr. Tarapada Das
Ms. Jonaki Khan

... for the petitioner.

The petitioner prays for compassionate appointment upon the death his father late Uttam Kumar Banerjee, who died in harness in 2005. It is alleged that the mother of the petitioner applied in the prescribed form, but the same was not considered. Thereafter, the petitioner applied in the prescribed form which was also not considered.

Records reveal that the case of the petitioner's mother had been referred to the Deputy Secretary, Panchayat & Rural Development Department for necessary action and consideration. Thereafter, the petitioner again allegedly applied in the prescribed form upon attaining majority.

It is settled law that compassionate appointment is granted so that the family can tide over the immediate financial crisis caused due to the sudden death of the sole bread earner. It appears that the family of the deceased has survived since 2005. It is also settled law that unless the rules or



the scheme for compassionate appointment provide otherwise, a dependant minor cannot be considered for compassionate appointment after attaining majority and after the lapse of considerable years from the death of the employee. Moreover, whether consequent applications can be made by the widow and thereafter the son is also doubtful.

However, as the records show that the mother's application was being considered and as the petitioner has approached the authority, the authority is directed to intimate the petitioner the fate of his application and whether at all the petitioner could have been considered for compassionate appointment under the rules and regulations guiding such consideration at the relevant point of time.

A reasoned order shall be passed in the light of the observations made by this court hereinabove and communicated to the petitioner within a period of ten weeks from the date of communication of this order.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)