

CONSTITUTIONAL WRIT

Present: The Hon'ble Pranab Kumar Chattopadhyay

and

The Hon'ble Pranab Kumar Deb

W.P.S.T. 151 of 2010.

Judgment On: 29.3.2010

POINTS:

COMPASSIONATE APPOINTMENT-Father of petitioner died-in-harness-Petitioner still minor-Mother of petitioner also employed - Petitioner on attaining majority prayed for appointment on compassionate ground-Whether he is entitled to get appointment – Service Law

FACTS:

The father of the petitioner died-in-harness in the year 1995 when the petitioner was minor. The mother of the petitioner was also employed under the State Government at the relevant point of time. The petitioner on attaining the majority prayed for appointment on compassionate ground.

This writ petition has been filed challenging the order of the learned West Bengal Administrative Tribunal whereby and whereunder the said learned Tribunal rejected the claim of the petitioner for appointment on compassionate ground.

HELD:

The learned Tribunal rejected the claim of the petitioner in view of the fact that the mother of the said petitioner is an employee of the State Government and furthermore, no post can be reserved for an indefinite period till the member of the deceased family can attain the majority. The petitioner has failed to establish that the family of the deceased employee is in immediate need of assistance. All the issues raised before the learned Tribunal have been duly considered and properly decided strictly in accordance with law following the principles already laid down by the Hon'ble Supreme Court. Paras-3&4

Mr. Amit Prakash Lahiri,

Mr. Bibekananda Tripathi. ...For the Petitioner.

Mr. S. Mukhopadhyay,

Mr. Chhabi Chakraborty. ...For the State.

THE COURT:

1. This writ petition has been filed challenging the order dated 31st August, 2009 passed by the learned West Bengal Administrative Tribunal in case number O.A.772 of 2009 whereby and whereunder the said learned Tribunal rejected the claim of the petitioner for appointment on

compassionate ground.

2. The father of the petitioner died-in-harness in the year 1995 when the petitioner was undisputedly minor. The mother of the petitioner was also employed under the State Government at the relevant point of time. The petitioner on attaining the majority prayed for appointment on compassionate ground.

3. The learned Tribunal rejected the aforesaid claim of the petitioner in view of the facts that the mother of the said petitioner is an employee of the State Government and furthermore, no post can be reserved for an indefinite period till the member of the deceased family can attain the majority.

4. In the present case, the petitioner has failed to establish that the family of the deceased employee is in immediate need of assistance. On examination of the impugned judgment and order passed by the learned Tribunal, we find that all the issues raised before the learned Tribunal have been duly considered and properly decided strictly in accordance with law following the principles already laid down by the Hon'ble Supreme Court.

5. In the aforesaid circumstances, we did not find any reason to interfere with the findings of the learned Tribunal.

6. Therefore, this writ petition stands dismissed as we do not find any merit in the same.

7. In the facts of the present case, there will be, however, no order as to costs.

(Pranab Kumar Chattopadhyay, J.)

(Pranab Kumar Deb, J.)

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