



**OA-388 OF 2013****J U D G E M E N T**

The instant application has been filed praying for following relief:-

- a) An order quashing and setting aside the impugned order dated 22.11.2012 which is Annexure-G to this application and also directing the respondents to appoint the applicant in any post on compassionate ground.
- b) Issuance of any further order or orders as Your Lordships may deem fit and proper.

As per the applicant, his mother died on 14.03.1999 leaving behind the applicant and his father, who was also a Government employee. After the death of his mother, the applicant submitted an application on 09.06.1999 praying for compassionate appointment in his favour. However, as per the applicant, the respondent authority did not take any steps but after lapse of 11 years issued a letter dated 10.12.2010 (Annexure-C) by which the Assistant Secretary to the Govt. of West Bengal, Land & Land Reforms Department had asked for fresh application as well as formation of fresh 3 (three) Mens' Enquiry Committee for the purpose of consideration of his case for compassionate appointment. However, thereafter no steps had been taken and in the meantime the applicant made a representation dated 21.12.2010 and 11.02.2011 (Annexure-D). Subsequently, the applicant had submitted all the required documents. However, the respondent authorities by Memo dated 22.11.2012 had rejected the claim of the applicant (Annexure-G). Being aggrieved with, he has filed this instant application.

As per the applicant, due to sudden death of his mother all the retiral benefits were utilized for treatment of his mother as well as his father, who retired in the year 2001. Therefore, he is in a

desperate need of financial help. Thus, respondent authorities should be directed to appoint him on compassionate ground.

The respondent authorities have filed their written statement wherein they have submitted that the compassionate appointment is not a matter of right but has to be considered in the light of the guidelines or circulars issued time to time by the Govt. in this regard as well as by considering the immediate financial need of the family member of deceased employee. However, in the instant case, the father of the applicant was also a Govt. employee, who retired in the year 2001 and obviously, the father of the applicant was in service at the time of death of his mother. Therefore, the applicant cannot claim himself as a dependent solely upon of his mother. Further his case was considered and was rejected vide Memo dated 22.03.2000. Therefore, if there was any immediate financial need, the applicant could have challenged the rejection order. In that scenario, even if his case was again considered but was rightly rejected, after taking into account the financial and family background of the applicant, as there is no need of financial assistance Therefore, the respondents have prayed for dismissal of the OA.

Though the applicant has filed his rejoinder, however, he never denied that earlier his case was rejected in the year 2000. We have heard both the parties and perused the records. It is a settled principle of law that compassionate appointment is not a vested right. It is given solely on the humanitarian ground with the sole object to provide immediate relief to the deceased employee's family to tide over the sudden financial crisis and it should be guided by the scheme/guidelines framed by the concerned public authority. In the instant case, the applicant was the only child of his parents. Further when his mother died, his father was also in service specially in a Govt. service. Therefore, the applicant cannot claim that he was dependent solely upon his mother. Furthermore, the prayer of the applicant was also rejected on the self same ground in the year 2000, which has not been challenged by the

applicant. Therefore, any subsequent consideration and rejection on the self same ground cannot be challenged. Moreover, if the applicant could have survived from 1999 till date, since he has not challenged the earlier order of 2000, therefore, it is presumed that he has no immediate financial assistance.

Thus, we do not find any reason to interfere the decision of the authority as they have earlier also rejected the claim of the applicant on the self same ground. Accordingly, the OA is dismissed being devoid of merit with no order as to costs.

**P. RAMESH KUMAR**  
**MEMBER (A)**

**URMITA DATTA(SEN)**  
**MEMBER (J)**