

WRIT APPEAL
11.6.2010
M.A.T. 1201 of 2009
With
C.A.N.4774 of 2010.
Re: C.A.N.4774 of 2010.

POINT

Compassionate Appointment – Deceased employee was not the sole bread earner of the family – Mother of the petitioner was serving as a teacher in a school, at the time of death of the father of the petitioner – Whether the petitioner can claim appointment on compassionate ground – Service Law .

FACTS

This application for stay has been filed in connection with the appeal preferred from the order dated 7th September, 2009 passed by a learned Judge of this Court. Claim of the petitioner for appointment on compassionate ground was rejected by the learned Single Judge on the ground that the deceased employee was not the sole bread earner of the family and the mother of the petitioner was serving as a teacher in a school at the time of death of the father of the petitioner who died-in-harness at the age of 57 years.

HELD

According to the opinion of the division bench of the Hon'ble High Court “ the learned Single Judge has rightly refused the claim of the petitioner for appointment on compassionate ground since the deceased employee was not the sole bread earner of the family ”.

Para 4

Mr. Tarun Das Sarma,
Ms. Piyali Mukherjee.
...For the Appellant.

Mr. S. Banerjee,

Ms. Moupiya De Basu.
...For the State.

THE COURT. 1)This application for stay has been filed in connection with the appeal preferred from the order dated 7th September, 2009 passed by a learned Judge of this Court whereby and whereunder the said learned Judge rejected the claim of the petitioner for appointment on compassionate ground.

2)On examination of the order under appeal passed by the learned Single Judge, we find that the claim of the petitioner for appointment on compassionate ground was rejected by the learned Single Judge on the ground that the deceased employee was not the sole bread earner of the family.

3)It is not in dispute that the mother of the petitioner was serving as a teacher in a school at the time of death of the father of the petitioner who died-in-harness at the age of 57 years.

4)In our opinion, the learned Single Judge has rightly refused the claim of the petitioner for appointment on compassionate ground since the deceased employee was not the sole bread earner of the family.

5)In the aforesaid circumstances, we do not find any infirmity and/or irregularity and/or illegality in the impugned judgment and order passed by the learned Single Judge and, therefore, we affirm the same and dismiss this application as we do not find any merit in the same.

6)In view of the aforesaid order, no purpose will be served in keeping the appeal pending. Therefore, the appeal is also treated as on day's list and dismissed accordingly.

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

(Pranab Kumar Chattopadhyay, J.)
(Syamal Kanti Chakrabarti, J.)