

S/L 05
15.07.2026
Court No.04
B.K.N

W.P.S.T. 256 of 2025
Shubhajit Kumar Sil
Vs.
The State of West Bengal & Ors.

Mr. Bidyut Kr. Halder,
Mr. Indranil Halder,
Ms. Neha Singh

...for the Petitioner.

Mrs. Chandreyi Alam, Ld. AGP,
Ms. Runu Mukherjee

...for the State of West Bengal.

1. Heard the learned advocate for the applicant/writ petitioner.
2. The applicant/writ petitioner, son of a Constable claimed the benefit of compassionate appointment. The same was rejected by the authority and such rejection was put challenge in O.A. No. 650 of 2021, before the West Bengal Administrative Tribunal (for short 'Tribunal'). The Tribunal rejected the Original Application vide order dated 19.11.2024, which is the subject matter of the present writ petition.
3. The applicant/petitioner's father died on 22.11.2015. As on that date the petitioner was 15 years and 27 days old.
4. It is submitted by the learned advocate for the applicant/writ petitioner that the indigency of the family was adjudged by the authorities, which found the petitioner's claim to be eligible for grant of compassionate appointment. However, since he did not have the requisite age in terms of the extant policy as contained in notification no. 251-Emp, he was not allowed the benefit of compassionate appointment.

5. It was argued before the West Bengal Administrative Tribunal ('Tribunal' for short) that Notification dated 01.03.2016 bearing no. 26-Emp contemplated belated applications to be made in respect of a death occurred up to 05 years prior to making of the application. The Tribunal has failed to consider this aspect of the matter. The Tribunal has also failed to consider that otherwise the claim was found admissible.
6. The learned AGP on the other hand submits that the policy as regards belated request in 26-Emp contemplates making of an application up to 05 years from the date of demise of an employee, but in exceptional circumstances, such as mentioned in the policy by way of illustration. In the present case no exceptional circumstance was made out and, therefore, there is no occasion for the petitioner to claim the benefit of the clause regarding belated request.
7. The learned advocate at this juncture submits that the petitioner is 26 years old and now there is no issue of his eligibility on the ground of age as he is above the age of majority.
8. The policy in question contemplates making of an application within two years. Therefore, a person who is two years below the age of majority has the opportunity of making an application. The petitioner, however, was only 15 years and 27 days old on the date of demise of his father.

9. We find from the order of the Tribunal that the Tribunal has considered the relevant notifications. Since there is no exceptional circumstances, the petitioner was not in a position to get relaxation for making an application beyond the period of two years stipulated in normal circumstances. The petitioner, therefore, lacked the basic eligibility requisite for grant of the benefit, therefore, recommendation by the three member committee is irrelevant. Unless a candidate possesses the basic eligibility, such recommendation would be of no avail.
10. We, therefore, find no reason to interfere with the order dated 19.11.2024 passed in O.A. 650 of 2021 by the Tribunal rejecting the petitioner's claim.
11. The writ petition is dismissed.
12. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Madhuresh Prasad, J.)

(Prasenjit Biswas, J.)