

17.07.2026.
Court No. 13
Item No. 1.
sp

R.V.W. 369 of 2024
With
CAN 1 of 2024
In
F.M.A. No. 1315 of 2022
Salimuddin Sheikh
-Versus-
The State of West Bengal & Ors.

Mr. Asim Banerjee,
Mr. Bholanath Pramanick.

..for the applicant.

1. Review is sought of the order dated 26th September, 2024 passed by a Coordinate Bench of this Court. One of such senior member has since been transferred from this High Court and has become the Chief Justice of another State.

2. The sum and substance of the claim of the applicant is that his father was medically incapacitated from discharging duties and applied for premature retirement on medical grounds under Rule 14(2) of the WBPT (Recruitment) Rules, 2001. The respondents, according to the appellant, did not constitute any medical board which was necessary to determine his incapacitation. Having no option and unable to discharge duties, the appellant's father sought premature retirement under Rule 22 of the Rules, 2001.

3. After such premature retirement, the appellant's father received pension and after the death of the father, the mother of appellant is receiving family

pension. The applicant contended before this Court that there is error on the face of the order dated 26th September, 2024 in so far as it does not consider the fact that the appellant's father lodged a complaint with the Purbasthali Police Station that he was forced to submit an application for premature retirement. Admittedly, no further steps were taken pursuant to the said complaint.

4. According to the applicant, had his father been retired for medical incapacitation, he would have been entitled to apply for compassionate employment.

5. It is now well-settled that compassionate employment is not a regular source of employment. It is an exception. It is only to ensure that a sole bread winner of the family, being medically incapacitated or dying, the family should not fall into penury and starvation.

6. Admittedly, after retiring prematurely, the family of the father of the appellant, received pension. Even otherwise seeking premature retirement from his service is a right conferred on every employee. Exercise of such right does not enjoin with itself a claim for compassionate employment. The challenge to the Rules of 2001 was rejected by the Single Bench. The Review applicant cannot reopen his father's decision of premature retirement after his father accepted pension.

7. This Court sees absolutely no reason to review the order dated 26th September, 2024 since there is absolutely no error apparent on the face of it. This Court is of the view that under the garb of review, the applicant is seeking, a rehearing of the appeal.

8. In that view of the matter, RVW 369 of 2024 fails and hereby dismissed.

9. Consequently, all connected applications shall also stand dismissed.

10. There shall be no order as to costs.

11. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Partha Sarathi Sen, J.)