

04.12.2024  
(D/L-1)  
Ct. No.4  
(Naba)

**W.P.S.T. 220 of 2024**

**Ananya Dasgupta**  
**Vs.**  
**The State of West Bengal & Ors.**

Mr. Sanjib Seth

... for the Petitioner.

Mr. Tapan Kr. Mukherjee, Id. AGP,

Ms. Sangeeta Roy

... for the State.

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. Heard the learned Counsel for the petitioner and the learned Counsel for the State.
3. The petitioner is unmarried daughter of the Government servant who died-in-harness on 11.05.1999. The wife of the deceased made an application for the benefit of compassionate appointment. The wife's application is dated 15.12.1999. Upon consideration of her claim the application was rejected as she was not found fit for being offered compassionate appointment. Rejection is dated 06.09.2003.
4. The petitioner (daughter of deceased) was a minor at the time of demise of the Government servant and attained majority on 28.08.2005. She has submitted an application nearly seven years after attaining majority, i.e. on 07.03.2012 and seeks the benefit of compassionate appointment. It is to be noted here that it is not in dispute that at the

time of demise of the Government servant or at the time of application made by the present petitioner, the time limit for making application was six months from the date of death of the deceased Government servant.

5. The learned Counsel for the petitioner submits that the scheme does not contemplate specifically as to what should be the time limit in case the deceased leaves behind a minor at the time of his death. The submission of the learned Counsel for the petitioner is not denied or disputed by the learned State Counsel as there is no specific stipulation in this regard.
6. We find that absence of any specific time frame for dependants who were/are minor at the time of death of the Government servant in harness means that the time limit for making an application for benefit of compassionate appointment is uniformly six months.
7. In the present case the submission of the petitioner's learned Counsel that upon attaining majority the petitioner should have been given some time for making the application does not hold good since the present petitioner has made an application for grant of compassionate appointment nearly seven years after she had attained majority.

8. The concept of compassionate appointment is by now well settled by catena of the decisions of the Hon'ble Apex Court. The same is in exception to the Rule and only by operation of a scheme, which is required to be scrupulously followed. The object of the same is to provide succour to the family of the deceased, in penury due to sudden loss of the bread earner. In the present case as noted above, these principles would stand defeated if the petitioner (daughter of the deceased Government servant) was allowed to make an application seven years after she attained majority; and 13 years after the demise of the Government servant in service.
9. We find no reason to interfere with rejection of the petitioner's claim by the order of the West Bengal Administrative Tribunal dated 10.07.2024.
10. The Writ Petition is dismissed.
11. There shall be no order as to costs.
12. Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

**(Madhuresh Prasad, J.)**

**(Supratim Bhattacharya, J.)**