

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. 2678 of 2025

32 04.11.2025
rkd Ct.02
DM

Sri Saikat Mitra

-vs-

State of West Bengal & Ors.

Mr. Abdul Hadi

....for the petitioner.

Ms. Runi Chakrobarty,
Ms. Susmita Chatterjee

....for the State.

Mr. Supriyo Chattopadhyay,
Ms. Debosri Chatterjee

....for the WBSEDCL.

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. Son of a deceased employee of West Bengal State Electricity Distribution Company Limited (for Short “WBSEDCL”) has approached this Court with the present writ petition, *inter alia*, praying for appointment on compassionate ground.
3. It is submitted that petitioner is entitled to get the benefit of Clause 6(f) of West Bengal State Electricity Distribution Company Limited Recruitment Policy, 2010 (hereinafter referred to as “said Policy of 2010”) since it is provided in Clause 6(f) that in the event death took place while performing job in any electrical installation of the company due to accident but directly in course of

discharging official functions may be offered employment with relaxation of age and qualification and in the manner as may be considered appropriate by the concerned authority.

4. Based on said Clause 6(f) it is submitted by the learned advocate representing the petitioner that though petitioner crossed prescribed upper age limit for appointment on compassionate ground, he is entitled to be granted appointment on compassionate ground.
5. Such prayer is opposed by the learned advocate representing WBSEDCL based on provisions as contained in Clause 6(b) of said Policy of 2010.
6. It is provided in Clause 6(b) that upper age limit for appointment on compassionate ground is forty years for the spouse and thirty years for other dependants as on the date of death/premature retirement on permanent disablement of the employee. It is submitted that at the time of death of the employee age of the petitioner was above thirty years.
7. Having considered the submissions made on behalf of the parties and taking note of the relevant provisions as contained in West Bengal State Electricity Distribution Company Limited Recruitment Policy, 2010, it is apparent that

petitioner being the son of the deceased employee has to be within thirty years on the date of death of the employee for being considered eligible to be appointed on compassionate ground.

8. Submission is made on behalf of the petitioner to get the benefit of Clause 6(f) but on perusal of the writ petition it is found that no such case is made out where death occurred due to accident while discharging official functions or in course of such official functions; therefore, it is found that said Clause 6(f) is not attracted.
9. It is trite appointment on compassionate ground is not a vested right but same needs to be provided in terms of the relevant policy applicable at the material point of time. There is no dispute that while deciding application of the petitioner seeking appointment on compassionate ground said Policy of 2010 was required to be adhered to.
10. Clause 6(b) provides dependant of the deceased employee needs to be considered for appointment on compassionate ground provided age of such dependant is within thirty years on the date of death of the employee. Since petitioner's age is admittedly above thirty years on the date of death as it appears from the memo dated 4th October, 2023 Court finds the decision taken by the

concerned authority of WBSEDCL is not erroneous.

11. Hence, the writ petition stands dismissed.
12. However, it is submitted on behalf of the petitioner that terminal benefits till date are yet to be released.
13. In the event terminal benefits are not paid, petitioner shall be at liberty to make a representation before the concerned authority of WBSEDCL and same shall be considered by the appropriate authority of WBSEDCL in accordance with law.
14. There shall be no order as to costs.
15. Urgent photostat certified copy of this order, if applied for, be given to the learned Advocates for the parties on the usual undertakings.

(Saugata Bhattacharyya, J.)