

24.09.2025
Sl. No.37(DL)
Ct. No.42
srm

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

W.P.A. No. 3486 of 2025

Tufan Bagdi

Versus

The State of West Bengal & Ors.

Ms. Juin Dutta Chakraborty,
Mr. Bidan Modam,
Ms. Arpita Kundu

...for the Petitioner.

Mr. Santanu Kumar Mitra,
Mr. Amartya Pal

...for the State.

1. This is second round of litigation.
2. By the present writ petition, the petitioner seeks direction upon the respondent No.4, Senior Deputy Secretary (PRI cell), Panchayat & Rural Development Department, Government of West Bengal to issue appointment letter in the name of the petitioner on the ground of died-in-harness category by cancelling and/or setting aside the rejection order dated 28th November, 2024.
3. The petitioner contends that his father was a gram panchayat karmee of Dheka Gram Panchayat under Mayureswar-II Development Block. While in service, the father of the petitioner expired on 7th July, 2015 after rendering service of 35 years 6 months and 19 days. The petitioner made an application on 7th October, 2015 praying for appointment on

compassionate ground. The application of the petitioner was rejected by respondent No.2, Assistant Secretary to the Government of West Bengal, Panchayat and Rural Development Department *vide* its letter dated 4th August, 2023. Being aggrieved by such action, the petitioner approached this Court by way of a writ petition being WPA 23236 of 2023.

4. The aforesaid writ petition was disposed of on 4th September, 2024 directing as follows:

“Let the Secretary, Panchayat & Rural Development Department, Government of West Bengal consider the application of West consider the application of the petitioner for his compassionate appointment on merit within a period of three months from the date of communication of this order. The said authority shall given an opportunity of hearing to the petitioner or his authorized representatives in arriving at a decision. A reasoned order should be communicated to the petitioner within seven days thereafter.”

5. Pursuant to such direction passed in the aforesaid writ petition, the prayer of the petitioner for appointment on compassionate ground was considered and rejected by respondent No.4, Senior Deputy Secretary to the Government of West Bengal, Panchayat and Rural Development Department as follows:

“It is a fact that the petitioner had submitted the proforma application in complete manner and signed by him as late as on 01.12.2020 while the employee died-in-harness on 07.07.2015. The proposal have been processed in this Department with reference to this complete proforma application dated 01.12.2020 following extant norms and was rejected on the ground of late submission of the proforma application. As there is no document available on record in this Department corroborating the submission of a non-defective/non-erroneous proforma application by the applicant on a prior date, hence no merit is found to consider the application of the petitioner eligible for grant of appointment on compassionate ground. Thus, the prayer

of the petitioner is liable to be rejected and is hereby rejected.”

6. The petitioner in the present writ petition challenges the subsequent order of rejection of respondent No.4 dated 28th November, 2024.
7. Ms. Juin Dutta Chakraborty, learned Advocate appearing for the petitioner submits that the application of the petitioner has been rejected on the sole ground of late submission of *proforma*. However, the said aspect has been set at rest by the previous order of this Court passed in WPA 23236 of 2023, wherein it has been categorically observed that there was no delay in making the application. She seeks for setting of the impugned order.
8. On the contrary, Mr. Santanu Kumar Mitra, learned Senior Government Advocate appearing for the State submits that the petitioner was directed to submit complete *proforma* application with fresh committee report as there was some documentary as well as informative shortcomings which render the proposal erroneous and not fit for evaluation. The complete *proforma* was submitted before the concerned authority on 1st December, 2020. The death of the employee took place on 7th July, 2015. Hence, it manifest that there is a delay in submission of the *proforma*. Therefore, as per the notification of the Government, the order passed by

the respondent No.4 should not be interfered with.

He seeks for dismissal of the writ petition.

9. Previously, the prayer of the petitioner was rejected by the Assistant Secretary to the Government of West Bengal, Panchayat and Rural Development Department on 4th August, 2023 on the ground of delay 6 years 10 months. In the writ petition being WPA 23236 of the 2023 it has been observed by this Court that there was no delay in making the application. The Court directed the Secretary, Panchayat and Rural Development Department, Government of West Bengal to consider the application of the petitioner for his appointment on compassionate ground on merit.

10. On going through the impugned order, it is found that once again the application of the petitioner for appointment on compassionate ground was rejected on the ground of late submission of *proforma* application. Such being the position, the impugned order is liable to be set aside.

11. According, the order dated 28th November, 2024 passed by respondent No.4, Senior Deputy Secretary to the Government of West Bengal, Panchayat and Rural Development Department is set aside.

12. The respondent No.1, Secretary, Panchayat and Rural Development Department, Government of West Bengal, is directed to consider the prayer of

the petitioner for appointment on compassionate ground afresh within a period of six months from date of communication of this order in accordance with relevant rules and regulations.

13. Learned advocate for the petitioner is directed to communicate this order to respondent No.1, Secretary, Panchayat and Rural Development Department, Government of West Bengal, for necessary compliance.
14. With the aforesaid directions, the writ petition being **WPA 3486 of 2025** is disposed
15. Interim order, if any, stands vacated.
16. All connected applications, if any, stand disposed of.
17. There shall be no order as to costs.
18. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
19. Urgent Photostat certified copy of the order, if applied for, be given to the parties on compliance of all necessary legal formalities.

(Bivas Pattanayak, J.)