

19th March, 2025
(D/L No.10)
Ct. No.4
(SKB)

W.P.S.T.37 of 2025

Paramita Halder
Versus
The State of West Bengal and others

Mr. Anjan Bhattacharya,
Ms. Anita Shaw
....for the petitioner.

Mr. Tapan Kumar Mukherjee, Id. AGP,
Mr. Somnath Naskar
... for the State.

1. Heard the learned counsel for the petitioner and the learned State counsel.
2. The petitioner, a married daughter, has applied for compassionate appointment on account of demise of her father on 11.09.2008.
3. The facts are not in dispute as there is a specific pleading in the OA that after the demise of the petitioner's father, she made an application on 21.09.2010. The claim of the petitioner was not acceded to by the respondents on the ground that it was belated since it was not filed within the six months period stipulated in the Death-cum-Retirement Benefit Scheme, 1971 (in short 'the Scheme'). Another ground for rejecting the petitioner's claim was that she was not an unmarried daughter on the date of demise of her

father. The petitioner, therefore, has approached the West Bengal Administrative Tribunal (in short 'Tribunal') assailing the rejection of her claim by the impugned order dated 01.04.2014. The Tribunal also has rejected the petitioner's claim, which has brought her before this court in the present writ proceedings.

4. The learned counsel for the petitioner would submit that the Scheme of 2013 insofar as it barred, a married daughter from claiming the benefit of compassionate appointment was declared unconstitutional by a Special Bench of this court in FMA No.1277 of 2015 (State of West Bengal and others Vs. P. Das and others).
5. The respondents thereafter have modified the requirement contained in the 2013 Circular. A notification to this effect has been issued on 04.11.2022 doing away with the bar imposed under the earlier Scheme on a married daughter.
6. In view of such modification of the Scheme, based on the decision of the Special Bench, the Tribunal erred in not directing for petitioner's consideration despite the fact that she was a married daughter.
7. The learned counsel for the State opposes the prayer.

8. Considering the rival submissions, we find that the concept of compassionate appointment by now has been settled by catena of judgments. The underlying object under a Scheme of compassionate appointment is to give immediate succour to the family of an employee who died in harness leaving the family in penury. The sudden loss of the bread earner, therefore, has been held to be the key factor based on which the Scheme for compassionate appointment is issued or brought into effect by the State. It is also settled that the compassionate appointment is to be offered in view of the immediate requirement arising from the sudden loss of the bread earner and, therefore, where the Scheme stipulates a timeframe, in which the application is to be made, the same is required to be observed by the person claiming the benefit of the Scheme.
9. In the present case, the application has been made after two years. Though the death occurred in the year 2008, application has been made in 2010, whereas the stipulated time for making application at the relevant time was six months. The petitioner's application for compassionate appointment was, thus, belated and, therefore,

not admissible as per the Scheme under which the benefit was claimed.

10. The authorities have rightly rejected the claim also on the ground that the Scheme of 04.11.2022 being relied upon cannot be made applicable to the petitioner's claim which was considered by the authorities much earlier, i.e. in the year 2014.
11. We thus find no reason to interfere with the decision of the West Bengal Administrative Tribunal.
12. The writ petition is, accordingly, dismissed.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)