

7th July, 2025
(D/L No.23)
Ct. No.4
(SKB)

W.P.S.T.62 of 2025

Akash Hembram
Versus
The Principal Secretary,
Health and Family Welfare Department,
Government of West Bengal and others

Mr. Chittapriya Ghosh,
Ms. Priyanka Saha
... for the petitioner.

Mr. Tapan Kumar Mukherjee, Id.AGP,
Ms. Sangeeta Roy
... for the State.

1. The affidavit-in-reply filed in court today is taken on record.
2. The present writ petition arises out of an order dated 19.11.2024 passed in the O.A.565 of 2023. The petitioner's challenge to the rejection of his claim for compassionate appointment was dismissed by the West Bengal Administrative Tribunal (in short 'Tribunal').
3. The petitioner's father died while in harness working as a Health Supervisor. His date of unfortunate demise is 19.03.2014. The time limit specified for making an application for compassionate appointment was six months.
4. The petitioner's mother, however, made an application which was belated. The first application submitted on a plain paper was

13.10.2015. The proforma application was finally filed by the present petitioner on 30.01.2018, after attaining the age of majority.

5. There is no dispute that at the time of unfortunate demise of his father, the petitioner was much below the minimum requisite age eligibility. He was 14 years 5 months old when his father died as against the requisite age is 18 years. The proforma application thus has been made after attaining the age of majority. In between, it is the case of the State in its opposition that another hand written application was submitted by the mother, but the same being undated.
6. The learned counsel for the petitioner submits that making of such an undated application is not known to the petitioner. He submits that the 2016 Notification for compassionate appointment bearing AMP No.26 contains a stipulation that belated request can also be considered.
7. The petitioner's claim was, however, not considered even though his claim had been rejected much after coming into force of the 2016 Notification. He submits that the petitioner's mother had made it clear to the authorities that she has a 9 year old daughter and a mother-in-law and she was required to take care of them

and, therefore, she had made an application for appointment of her son. The circumstances, therefore, required compassionate consideration in favour of the present petitioner.

8. For delay in making an application in terms of the 2016 Notification, the petitioner's claim was rejected on 29th August, 2020.
9. Mr. Mukherjee, the learned AGP submits that the petitioner cannot claim any benefit of the 2016 Notification in view of demise of his father in the year 2014, much prior coming into force of 2016 notification. Even if the petitioner's claim for condonation under the 2016 Notification is considered, the petitioner would not qualify for any condonation in terms of the provisions contained in 2016 Notification in this regard, which reads as follows:

“BELATED REQUESTS:-

In exceptional cases such as (i) death during action (ii) where none in family is eligible etc., departments can consider requests for compassionate appointment even where the death or retirement on medical grounds of a Govt. servant took place upto five years ago. While considering such belated request the 3 member screening-cum-enquiry committee should, however, keep in view that the concept of compassionate appointment is largely related to the need for immediate assistance to the family of the Govt. Servant in order to relieve it from economic distress. The very fact that the family has been able to manage somehow all these years should normally be taken as adequate proof that the family had some dependable means of subsistence. Therefore, examination of such cases could call for a great deal of circumstances at all levels. The

dependant member must invariably attain the minimum age of appointment at the time of consideration.”

10. Even if this provision was applicable to the petitioner's claim, the same required an exceptional circumstance for considering a belated request. One of the exceptional circumstances specified in the provisions is absence of any other eligible family member. As per the proforma application submitted by the petitioner, the petitioner's mother was Class VIII pass possessing the requisite educational qualification. She was below 45 years being the maximum age limit for a claimant in her category (ST). The circumstances requisite for invoking the provisions regarding belated request therefore, was not attracted in the case of the petitioner.
11. Such being the facts, the court should consider the aspect that the mother, being eligible to obtain a compassionate appointment, has consciously, since 2014, not come forward with any claim in her favour and has been canvassing the claim of her ineligible son.
12. The circumstances obviously do not make out a case of extreme hardship or penury, otherwise the eligible mother would not be waiting.

13. Having considered the rival submissions, we are in agreement with the submissions advanced on behalf of the State. Even if the 2016 Notification is pressed into service in respect of the applicant's claim, the same would not result in any positive consideration in favour of the petitioner. Even in terms of the provisions contained in the 2016 Notification no exceptional circumstance is made out for grant of condonation in the time for submitting application for compassionate appointment.
14. We, therefore, find no reason to interfere with the order passed by the West Bengal Tribunal rejecting the applicant's/petitioner's claim.
15. The writ petition is, thus, dismissed.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)