

IN THE HIGH COURT AT CALCUTTA

CONSTITUTIONAL WRIT JURISDICTION

APPELLATE SIDE

Before:

THE HON'BLE JUSTICE SAUGATA BHATTACHARYYA

W.P.A. 7527 OF 2025

**Smt. Fulkali Sen
VS.
Union of India & Ors.**

For the Petitioner : Mr. Sandipan Maity

For the Respondents : Mr. Santosh Kumar Pandey

Heard on: : 01.12.2025

Judgment on: : 01.12.2025

SAUGATA BHATTACHARYYA, J:

1. Matter is heard in presence of the learned advocates representing the petitioner and respondents.
2. As per order dated 6th November, 2025 Scheme of appointment on compassionate ground i.e. Employment

Assistance to the Dependents of Deceased Government Servants who Die in Harness or Retire on Medical Grounds (hereinafter referred to as the 'said Scheme') dated 11th February, 2020 is placed before this Court for consideration.

3. On perusal of the said Scheme it appears in order to adjudicate the issue involved in this writ petition Clause 16 is relevant which is quoted below:-

"16. As per the new guidelines contained in MoD/D (Lab) OM No.19 (4)/2015/D(Lab) dated 30th April, 2015, any application for compassionate appointment is to be considered without any time limit and decision taken on merit in each case. Hence, in case of not recommended candidates, the outcome of the Board will be communicated to each applicant after completion of Board with an advice to the applicant to apply afresh application for consideration in next Board."

4. As per clause 16 an application for compassionate appointment can be made before the concerned respondent authority and there is no time limit fixed for submitting such application and decision relating to right of the applicant to be appointed on compassionate ground is to be taken on case to case basis. It is further provided in Clause 16 in the event an applicant is not recommended the decision of Board of Officers is communicated to the

applicant with an advice to the applicant to apply afresh for appointment on compassionate ground.

5. In the present case, husband of the petitioner was serving in Indian Army and died in harness on 16th November, 2018. Subsequent thereto, petitioner applied for appointment on compassionate ground which was considered by Board of Officers in 2020 and a panel was prepared where petitioner's name featured at serial no. 34. As per norms, 5% vacancies were reserved for appointment on compassionate ground for the year 2020. Applying 5% reservation 22 vacancies were earmarked for appointment on compassionate ground whereas petitioner's name featured against serial no. 34 as a result whereof she could not come within the zone of consideration. Appointment could not be offered to the petitioner under compassionate ground.
6. However, in terms of Clause 16 of the said Scheme petitioner was intimated vide letter dated 30th June, 2021 on outcome of exercise made by Board of Officers with a request to apply afresh. Inadvertently, petitioner could not make application contemporaneously as a result whereof petitioner's subsequent application for appointment on compassionate ground was not on

record. Therefore, question of taking decision on such application does not arise.

7. While delving into the issue involved in this writ petition this Court finds Clause 16 of the said Scheme provides no time limit for making application for appointment on compassionate ground by the dependant family member.
8. Therefore, leave is granted to the petitioner to make application afresh seeking appointment on compassionate ground by 3 (three) weeks from date.
9. If such application is made within the aforesaid time, Board of Officers shall take decision on the said application in its next meeting after receipt of such application. Decision to be communicated to the petitioner by fortnight thereafter.
10. Leave is granted to the learned advocate representing the petitioner to amend the cause title and add Board of Officers as additional respondent in course of this date.
11. However, service of notice upon additional respondent stands dispensed with since answering respondents are represented by learned advocate.
12. Writ petition stands disposed of.

13. Urgent photostat certified copy of the order, if applied for,
be given to the parties, upon usual undertakings.

(SAUGATA BHATTACHARYYA, J.)

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