

16.07.2025
(D/L-109)
Ct. No.4
(B.K.N.)

W.P.S.T. 82 of 2025

Shibanshu Dey
Vs.
The State of West Bengal & Others

Mr. Pratip Kumar Chatterjee, Sr. Adv.,
Ms. Maitrayee Chatterjee
...for the Petitioner

Ms. Sonal Sinha,
Ms. Ashmita Chakraborty
...for the State

1. Affidavit-in-reply filed by the petitioner is taken on record.
2. Heard learned counsel for the petitioner and the learned counsel for the State.
3. The petitioner's father died while in harness on 15.04.2010. Within three months thereafter the mother made an application in favour of the present petitioner who at the time of demise of the deceased was 15 years 24 days, about three years short of the minimum eligible age criteria for appointment. The case of the petitioner has thus been rejected having regard to the scheme governing the grant of compassionate appointment which contemplates an application to be made within two years.
4. The learned counsel for the petitioner relies upon the notification dated 01.03.2016 bearing no. 26-Emp. to submit that in exceptional circumstances the same contemplates that even a request which is belated,

upto five years can be considered. He submits that since the petitioner's father died while in the line of duty the same would fall in the belated request category contained in notification dated 01.03.2016 which reads:

“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 circumspection at all levels. The dependent member must invariably attain the minimum age of appointment at the time of consideration.”

5. We have gone through the provision being relied upon the provision does provide for consideration of belated request for compassionate appointment in exceptional circumstances, but is qualified by at least two riders being death during action; and the second being where there is none in the family eligible for appointment at the time of demise. In the present case the records reveal that the petitioner's mother was eligible both in terms of educational qualification as well as age criteria for grant of compassionate appointment. Apparently, in her zeal to get an

appointment for the son in her place she has made an application on plain paper, for the son's appointment. It is by now a settled legal proposition that appointment on compassionate grounds is to be guided by the terms and conditions as contained in the scheme under which the benefit is sought as such appointment is in relaxation or in exception to the rules of appointment.

6. Viewed keeping in background notification date 01.03.2016, we find the petitioner's mother was eligible. She, however, has chosen not to avail the benefit and delayed the consideration for grant of such benefit in the zeal of having her son appointed. The scheme does not permit acceptance of belated application for compassionate appointment of a son who was a minor at the time of demise of the employee in harness. The scheme does not contemplate that the authorities must wait for the applicant of compassionate to attain majority beyond the two year period prescribed for application, unless exceptional circumstances exist as per clause regarding belated requests in the notification dated 01.03.2016. For reasons discussed above, since petitioner's mother was all along eligible, we find that petitioner's case is not covered by this clause. We, therefore, find that no case is made out in favour of

the son. The Tribunal has thus rightly rejected the claim of the petitioner.

7. We find no reason to interfere with the order dated 02.05.2024 passed in O.A. 148 of 2024 by the Tribunal.

8. The writ petition is dismissed.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)