

W.P.S.T. 92 of 2025

**Subhrajyoti Saha
Vs.
The State of West Bengal & Ors.**

Mr. Shibaji Kar Das,
Ms. Sharmistha Das

...for the Petitioner

Mr. Tapan Kumar Mukherjee, Id. AGP,
Ms. Sangeeta Roy

...for the State

1. Heard the learned counsel for the petitioner and the learned State counsel.
2. The facts which are not in dispute are that the petitioner's father died while in harness on 15.06.2008. An application, 04 (four) years thereafter, was made by his mother on 30.03.2012 seeking compassionate appointment in favour of the present petitioner. At the time of demise of his father, the petitioner was 13 years 8 months and 6 days old. Even at the time of making of application by his mother, he had not attained majority since his date of birth is 09.10.1994. The petitioner's claim has, thus, been rejected by the authorities by an order dated 03.09.2021.
3. The learned counsel for the petitioner submits that the impugned order insofar as he places reliance on circulars of 03.12.2013 and 01.03.2016 is unsustainable, the circulars having

come into existence much after demise of the petitioner's father, having no retrospective operation. The petitioner, as soon as he attained majority, has again made an application.

4. Having considered the submissions, we find that the undisputed position being that the petitioner was ineligible for compassionate appointment on the date of demise of his father, since he was about five years below the age of majority. No provision has been brought to our notice that as on the date of demise of the petitioner's father, i.e. 15.06.2008, there was any circular under which a minor could make an application, or that a minor was allowed to attain the age of majority before making an application. The plea of the petitioner's learned counsel that the two circulars of 2013 and 2016 are inapplicable, therefore, is devoid of any substance. The reason assigned in the impugned order for rejecting the petitioner's claim does not require any interference in our opinion.
5. We, further, find that a second application has been made by the petitioner on 14.10.2021. The records however reveal that an earlier order of rejection dated 03.09.2021 has been challenged by filing an application before the S.A.T. in 2024, beyond the period of limitation under Section 21 of the Administrative Tribunals Act, 1985.

6. We find no infirmity in the order dated 28.01.2025 passed by the S.A.T. in O.A. No. 284 of 2024.
7. The Writ Petition being **W.P.S.T. No. 92 of 2025** is accordingly dismissed.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)