

17.06.2025
(D/L-13)
Ct. No.4
(B.K.N.)

W.P.S.T. 100 of 2025

Md. Imran Khan
Vs.
The State of West Bengal & Ors.

Mr. Kalyan Kumar Chakraborty,
Mr. Gopal Krishna Sarkar
...for the Petitioner

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

1. Heard learned counsel for the petitioner and the learned counsel for the State.
2. The facts lie in a very narrow compass. Father of the petitioner died on 25.09.1988, while in harness. An application for compassionate appointment has been submitted by the petitioner on 25.02.2010, nearly 12 years thereafter. The reason assigned for giving such application after 12 years has been stated in so many words by the petitioner in his Original Application that he had made the application only after he attained majority in 2008.
3. The timeline emerging from these facts makes it clear that the petitioner's claim for compassionate appointment is not sustainable. The concept of compassionate appointment is by now well established. The application has to be made diligently and immediately after the death of the employee in

harness. The law is by now well settled that compassionate appointment is an exception to the Rule and is intended to provide succour to the family of a government servant on account of sudden loss of the bread earner. Having regard to such nature of appointment it has repeatedly been held that a person desirous of consideration for compassionate appointment is required to scrupulously observe the requirement under the scheme, including the time limit for making of an application.

4. Learned counsel submits that the Apex Court in the case of ***Syed Khadim Hussain –Vs.- State of Bihar and Others*** reported in ***(2006) 9 SCC 195*** has allowed the claim of the petitioner therein even though the petitioner had attained majority later than the time specified for making an application for compassionate appointment.
5. The judgment of the Hon'ble Apex Court relied upon by the petitioner does not apply to the facts and circumstances of the petitioner's case. In the judgment the Apex Court has taken note of the fact that application therein was within time, even though it was made at the time when the petitioner was a minor. Facts are essentially different in the present case where an application for compassionate appointment has been made by the petitioner in the year 2010, though he claims to have attained majority

in the year 2008; and his father had passed away in 1998. The petitioner had made an application about a decade later than required under the scheme. Petitioner, therefore, cannot derive any subsistence from the judgment relied upon.

6. We do not find any reason to interfere with the order passed by the Tribunal.
7. The writ petition is dismissed.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)