

01.07.2025  
(D/L-12)  
Ct. No.4  
(B.K.N.)

**W.P.S.T. 117 of 2025**

**Tamal Halder**  
**Vs.**  
**The State of West Bengal & Others**

Mr. Somnath Ghoshal,  
Mr. Satyajit Senapati,  
Mr. Dipanjan Karmakar,  
Ms. Smita Singh

...for the Petitioner

Mr. Tapan Kr. Mukherjee, Ld. AGP,  
Ms. Tuli sinha

...for the State

1. Heard learned counsel for the petitioner and the learned counsel for the State.
2. The petitioner's mother died while in harness working as a Nurse on 22.09.2012. The learned counsel for the petitioner submits that at the time of demise of his mother the petitioner was aged about 13 years. The father of the petitioner, however, made an application on plain paper for petitioner's appointment on compassionate ground, within time. The authority has rejected the petitioner's claim by relying upon the Labour Department notification dated 03.12.2013 and 01.03.2016 whereby and whereunder time limit of six months was specified for making application. If the time limit specified therein was applicable to the petitioner then only the

petitioner's claim could have been rejected as being ineligible, since the petitioner was 13 years old at the time of demise of his mother since even if an application was made within six months he would not have attained the minimum eligibility criteria of age for appointment in government service. The authorities have wrongly applied the notifications of 2013 and 2016 in case of the petitioner whose claim was required to be considered with reference to the circular holding the field on 22.09.2012.

3. The learned AGP has drawn attention of the Court towards EMP-30 issued by the Labour Department, Government of West Bengal on 02.04.2008. Paragraph 4 of the said notification relied upon, reads as follows:

“4. The dependant of an employee seeking appointment on compassionate ground shall henceforth make an application in the prescribed proforma within six months from the date of death of the deceased employee or his retirement on permanent disablement. If no application is submitted within this stipulated period, it will be presumed that the family does not require immediate financial assistance.”

4. Placing the said provision it is submitted that the time limit of six months is specified also in the EMP-30 dated 02.04.202008. All the circulars, i.e. dated 03.12.2013, 01.03.2016 or 02.04.2008 require making of application for compassionate appointment within six months. Thus, the petitioner would be considered as ineligible since he was 13 years at the

time of demise of his mother and application was required to be made within six months and within such duration and within such time he could not have attained the minimum eligibility (age) for the purposes of government employment. We, therefore, find no merit in the petitioner's claim and no reason to interfere with the rejection order dated 19.02.2025 passed by the Tribunal in O.A. 732 of 2022.

5. The writ petition is dismissed.

**(Madhuresh Prasad, J.)**

**(Supratim Bhattacharya, J.)**