

11.11.2025
Ct. No.4
Sl. No.34
akd

W. P. S. T. 152 of 2025

[Rathin Mahata -Vs- The State of West Bengal & Ors.]

Mr. Dilip Kumar Sadhu
... ... for the petitioner

Mr. Amal Kumar Sen .. Id. A.A.G.
Mrs. Ashima Das (Sil)
... ... for the State

1. Heard the learned Advocate for the writ petitioner as well as the learned Additional Advocate General.
2. The writ petitioner's father died working as a Mazdoor in the Public Works Department, Government of West Bengal under the Work Charge Establishment, on 18.05.1999. It is the case of the writ petitioner that the mother made an application for compassionate appointment in the year 2001. It is submitted that the authorities started processing the application for compassionate appointment but there is no communication to the petitioner regarding any steps taken after 08.01.2004.
3. In the year 2018, it is submitted that the present petitioner, son of the deceased employee who died-in-harness, applied, upon obtaining the age of majority. The claim of the writ petitioner for compassionate appointment therefore, was raised nearly 19 years after the death of his father. An Original Application has been filed much later in the year 2023 challenging the rejection of his claim by an order dated 14.11.2022 passed by the Joint Secretary, Public Works Department. The authority as well as the Tribunal has found the petitioner's application to be inadmissible primarily on the ground of delay.

4. The law in this regard is well settled. The recent decision of the Hon'ble Apex Court in the case of *State of West Bengal vs. Debabrata Tiwari & Ors.* reported in (2025) 5 SCC 712 is worth considering wherein the Apex Court held that the concept of compassionate appointment is to tide over the sudden crisis arising out of the loss of the bread earner. The same is in exception to the rule of equality and therefore, can only be availed strictly in terms of the policy granting such benefit and for furtherance of such objective. The same cannot be made a mode of general recruitment and claim cannot be raised at any point of time. The belated claim of the petitioner therefore, in view of the law noted above, was rightly not entertained by the Tribunal.

5. We find no infirmity in the order dated 29.04.2024 passed in O.A. 803 of 2023.

6. The writ petition is accordingly, dismissed.

7. Urgent Photostat certified copy of the order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(Madhuresh Prasad, J.)

(Prasenjit Biswas, J.)