

Sl. No.ML631
10.12.2025
Suman
Ct. 15

WPA 19330 of 2024

Supratick Murmu
Vs.
The State of West Bengal and Ors.

Mr. Kumar Jyoti Tewari
Ms. Rajlakshmi Ghatak
..for the petitioner

Mr. Lalit Mohan Mahata
Mr. Prasanta Behari Mahata
..for the State

The petitioner challenges an order dated August 21, 2024, communicated by the Deputy Secretary, Government of West Bengal, whereby his claim for compassionate appointment has been rejected.

It appears that the petitioner's father, who was serving as a Panchayat Karmi, died-in-harness on February 22, 2019. Immediately thereafter, an application was submitted by the petitioner's mother seeking compassionate appointment for the petitioner. At that time, however, the petitioner was only 15 years old.

In this backdrop, the authority rejected the petitioner's claim.

Mr. Kumar Jyoti Tewari, learned counsel appearing for the petitioner, refers to clause 10(aa), added to Notification No. 251-Emp. dated December 3, 2013, which reads as follows:-

“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.”

Relying on the said clause, Mr. Tewari contends that the petitioner’s application, even if belated, ought to have been considered on its merits. The authority, however, rejected the petitioner’s claim, stating, inter alia, as follows:-

“The matter of getting employment in die-in-harness case by a candidate who remained minor on the date of death of the employee and attains the minimum age required for appointment later on, falls under the purview of clause-10(aa) added to Notification No.251.Emp. dtd. 03.12.2013 by Notification No.26-Emp.dtd.01.03.2016 of Labour Deptt., Govt. of W.B. The

undersigned is now directed to state that the criteria provided in that clause is not applicable to her client as there were two members (two unmarried daughters) in the deceased's family who were rather eligible to apply for the appointment on compassionate ground."

A compassionate appointment is intended to provide financial assistance to a family that has suffered a sudden financial crisis due to the untimely demise of the sole breadwinner. A belated application, inter alia, undermines the very purpose of such a provision.

Therefore, I am of the view that the application could not have been pressed on behalf of the petitioner, on attaining majority, who was only 15 years old at the time of his father's death.

Accordingly, **WPA 19330 of 2024** is dismissed.

Urgent photostat certified copy of this order, if applied for, be supplied to the learned advocates for the parties on usual undertakings.

(Kausik Chanda, J.)