

28.08.2025.

PB

Sl. No.14.

Ct. No.4.

WPST 181 of 2025

Sri Subhankar Mandal

Vs.

The State of West Bengal & Ors.

Ms. Deblina Chattaraj.

... For the Petitioner.

Mr. Amal Kumar Sen,

Ms. Amrita Panja Moulick.

... For the State.

1. The affidavit of service filed by the petitioner in Court today is taken on record.

2. Learned advocate appearing on behalf of the writ petitioner submits that the petitioner's father was a permanent employee and died while working as a Fire Engine Driver on 7th July, 2004. Thereafter, on 30th January, 2006 the petitioner's mother made an application for the petitioner (son) consideration for appointment on compassionate grounds which was not considered.

3. The present petitioner attained majority in August, 2012. Thus, more than 8 years after demise of his father, the petitioner applied for grant of

appointment on compassionate ground. The same did not find favour with the authorities. The petitioner thus approached the West Bengal Administrative Tribunal (SAT for short) by filing O.A. 20 of 2016. The O.A. has been rejected on 7th March, 2025 taking into consideration the rejection of the petitioner's claim by a communication dated 14th October, 2015 bearing memo no.1690/FES/O/2E-145/2013 issued by the Deputy Secretary to the Government of West Bengal in the department of Fire Emergency Services. The authority has rejected the claim of the writ petitioner by relying on Clause 6(c)(c) of the Labour Department's Notification No.251-Emp. Dated 3rd December, 2013.

4. Learned advocate appearing on behalf of the petitioner submits that the petitioner's claim was processed by the authorities finding the claim to be eligible and thus entitled to grant of compassionate appointment. The financial condition of the petitioner was found to be worthy of such consideration. The rejection order, according to the writ petitioner, is dated 14th October, 2015, but the same was not communicated to the petitioner and was served on the petitioner for the first time in course of the O.A. proceedings.

5. A third submission has been made that 251-Emp. Dated 3rd December, 2013 cannot be made the basis of consideration, much less rejection of the petitioner's claim, as the same was not in existence on

the date of demise of petitioner's father, on 7th July, 2004.

6. It is submitted that the order 14th October, 2015 containing the rejection of the petitioner's claim by the Deputy Secretary, Government of West Bengal, has been manufactured during the pendency of the O.A. only to defeat the petitioner's legitimate claim.

7. Learned advocate appearing on behalf of the State has supported the order of the West Bengal Administrative Tribunal and submits that in view of the provisions contained in Notification No.251-Emp. Dated 3rd December, 2013 which has been taken note of by the tribunal in the impugned order, the petitioner's claim was untenable as petitioner did not attain the minimum age for appointment within six months from the date of death of the deceased government employee.

8. We have considered the submissions made on behalf of the parties. It is an admitted position that the petitioner made an application for appointment on compassionate ground more than 8 years after demise of his father.

9. The law is well settled that the concept of compassionate appointment is to enable the dependent family to tide over the crisis arising out of sudden loss of the bread winner. Time and again the Apex Court has reiterated the law that concept of compassionate appointment is founded on an urgency

to support the dependant family left in destitute. In this connection, we take into consideration recent decision of the Apex Court in the case of ***State of West Bengal Vs. Debabrata Tiwari reported in (2025) 5 SCC 712***, paragraph 29 of which reads:-

“There is a consistent line of authority of this Court on the principle that appointment on compassionate grounds is given only for meeting the immediate unexpected hardship which is faced by the family by reason of the death of the breadearner vide Jagdish Prasad Vs. State of Bihar, (1996) 1 SCC 301 : 1996 SCC (L&S) 303). When an appointment is made on compassionate grounds, it should be kept confined only to the purpose it seeks to achieve, the idea being not to provide for endless compassion, vide I.G. (Karmik) Vs. Prahalad Mani Tripathi (I.G. (Karmik) Vs. Prahalad Mani Tripathi, (2007) 6 SCC 162 : (2007) 2 SCC (L&S) 417). In the same vein is the decision of this Court in Mumtaz Yunus Mulani Vs. State of Maharashtra, (2008) 11 SCC 384 : (2008) 2 SCC (L&S) 1077), wherein it was declared that appointment on compassionate grounds is not a source of recruitment, but a means to enable the family of the deceased to get over a sudden financial crisis”.

10. From the documents available on record, it is apparent that the mother was eligible as on the date of demise of her husband, (petitioner’s father), still she did not claim the appointment on compassionate grounds.

11. Having regard to the settled legal position in this regard, we find no justification for the petitioner to claim an appointment on compassionate ground 8 years after demise of his father in harness.

12. We, therefore, do not find any reason to interfere with the order dated 07.03,2025 passed in O.A. No.20 of 2016 in exercise of our extra ordinary and discretionary jurisdiction under Article 226 of the Constitution of India. The writ petition is devoid of any

merit and the same being WPST 181 of 2025 is dismissed.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)