

3rd April, 2025
(D/L No.15)
Ct. No.4
(SKB)

W.P.S.T.178 of 2024

Sheela Chattaraj and another
Versus
The State of West Bengal and others

Mr. Animesh Mukherjee,
Mr. Subhajyoti Das
....for the petitioners.

Mr. Tapan Kumar Mukherjee, Id. AGP,
Ms. Sangeeta Roy
... for the State.

1. Heard the learned counsel for the petitioner and the learned State counsel.
2. The father of petitioner no.2 died while in harness on 18.07.2006. The petitioner no.1 is the wife of deceased and mother of petitioner no.2.
3. It is the case of the petitioner no.2 that his mother applied for compassionate appointment in the year 2007. On 18.02.2009 she submitted an application on the prescribed proforma. Later she has relinquished her claim in favour of the son (the petitioner no.2) on 02.01.2014.
4. The authorities were thus required to consider the claim of the petitioner no.2, which was rejected by an order dated 17.02.2023. The rejection was on the ground that the application had been submitted in favour of the petitioner no.2 on

02.01.2014, about eight years after the death of his father in harness, whereas the time limit specified for making such application under scheme for compassionate appointment contained in the notification dated 03.12.2013, is six months.

5. The learned counsel for the petitioners submits that the petitioner no.1 had submitted her application within time. The authorities delayed consideration. Therefore, they cannot take a plea that subsequent relinquishment in favour of the petitioner no.2 was belated.
6. Mr. Mukherjee, learned AGP, on the other hand, draws attention of this court towards the fact that earlier also an OA was filed by the petitioners bearing OA No.975 of 2015 seeking the benefit of compassionate appointment. In those proceedings, the relief was claimed for appointment in favour of the wife of the deceased. The State Administrative Tribunal (in short 'Tribunal') thus directed the authorities to consider the claim for compassionate appointment within 12 weeks.
7. The claim was considered and was rejected on 24.08.2016. The rejection order records that the application made by the wife of the deceased was

dated 18.02.2009. There is no reference to any application having been made in the year 2007.

8. The prayer of the petitioner no.1 was, thus, rejected by the authorities as being time barred. Instead of challenging the order of rejection dated 24.08.2016, the same petitioners filed another OA bearing OA No.1022 of 2019 before the Tribunal, this time seeking a direction for consideration of the claim of petitioner no.2 for compassionate appointment.
9. The Tribunal, thus, disposed of the OA directing the Principal Secretary, Government of West Bengal, to consider the claim of the petitioner no.2 (son). The order of the Tribunal is dated 16.09.2022.
10. Thereafter on 17.02.2023, the authorities have rejected the claim of the son finding the same to be a belated claim as the first application in favour of the petitioner no.2 was submitted by the petitioners on 02.01.2014 about 8 years after the demise of the employee in harness. Both orders dated 24.08.2016 and order dated 17.02.2023 have been challenged by filing another OA bearing OA No.250 of 2023. The same has also been dismissed by an order dated 02.05.2024

on the ground of the petitioners' application being belated.

11. The findings of the Tribunal are based on a consideration having regard of the settled legal proposition as regards the claim for compassionate appointment.
12. The Tribunal has considered that the purpose of the scheme is to provide succor to the family of the deceased who is left in destitute by the sudden loss of the bread earner. The whole concept is based on the unfortunate circumstances which occur suddenly and which require immediate assistance subject to fulfillment of requirements under the scheme of compassionate appointment. Thus, the compassionate appointment cannot be claimed belatedly and beyond the time limit specified in the scheme for the same.
13. There is no material whatsoever to show that any application was made by the wife of the deceased in the year 2007. In fact, finding the first application of the wife of the deceased to be dated 18.02.2009 and therefore belated on account of the same being submitted more than 2 years after the death of the Government servant, the authorities rejected her claim on 24.08.2016

which the petitioners have chose not to challenge even in the subsequent OAs filed thereafter; till filing of the OA 250 of 2023, order dated 02.05.2024 of which is impugned in the present proceedings.

14. We, therefore, find no reason to interfere with the order of the Tribunal rejecting the claim of the petitioners as being a belated claim for compassionate appointment.

15. The writ petition is, accordingly, dismissed.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)