

Ct. No.4 D/L 05.12.2025
(Naba) 04

W.P.S.T. 191 of 2025

**Sri Untishwar Kisku
Vs.
The State of West Bengal & Ors.**

Ms. Manika Roy,
Ms. Ankita Chowdhury,
Mr. Atanu Sur,
Mr. Sabyasachi Roy

...for the Petitioner

Name not supplied

...for the Respondents

1. Supplementary affidavit filed on behalf of the petitioner is taken on record.
2. Heard the learned counsel for the petitioner and the learned counsel for the respondents.
3. The writ petitioner is before this Court assailing an order passed by the West Bengal Administrative Tribunal ('S.A.T.' for short) in O.A. No. 419 of 2024. The petitioner had approached the S.A.T. seeking a direction upon the respondents to take steps for processing the petitioner's claim for compassionate appointment on account of demise of his father in-harness on 22.10.1993, nearly 31 years prior to filing of the O.A. The S.A.T. has rejected the O.A. by an order dated 07.08.2025 which is subject matter of the present writ petition.
4. The learned counsel for the writ petitioner submits that the application was submitted on the prescribed proforma by the petitioner upon

attaining majority on 18.07.2000. Prior thereto, mother of the applicant had submitted an application on 31.03.1994 itself. The authorities have not taken any action on the application submitted by the mother.

5. Under the circumstances, the petitioner approached the authorities by way of reminder for processing his claim by several letters and reminders. Specific reliance is placed on the letter dated 05.01.2024 to show that the application was also submitted on prescribed proforma.
6. From perusal of the letter dated 05.01.2024, it is more than obvious that the undated proforma application, for the first time is claimed to have been submitted just before filing of the O.A. in the year 2024. The death of the Government employee occurred on 22.10.1993.
7. From the pleadings in the O.A., we find that the petitioner is claiming to be an adopted son.
8. We further find that the mother had made an application within time and was duly called to appear before the authorities along with all documents in support of her claim by an order issued by the Principal Agricultural Officer, Birbhum on 20.11.2006. There is no averment in the Original Application whether the petitioner appeared thereafter; or under what circumstances the consequential action was not taken by the

petitioner's mother pursuant to the order dated 20.11.2006.

9. The facts as noted above, make it more than obvious that the petitioner has initiated steps for reviving a claim for compassionate appointment based on demise of his father on 22.10.1993, by making an application on 05.01.2024. Thereafter, he immediately filed an O.A. in the year 2024; 31 years after demise of his father.
10. The law is very well settled insofar as the claim to compassionate appointment is concerned. The Apex Court recently in the case of ***State of West Bengal Versus Debabrata Tiwari & Ors.*** reported in **(2025) 5 SCC 712** has stated the law that the compassionate appointment is offered in exception to the rule to achieve an underlying object of providing immediate relief to a family left in destitute by sudden loss of the bread earner.
11. The policy of compassionate appointment is not expected to be a general mode of recruitment and a vested right of the legal heirs/dependants which may be claimed at any time in future as per their sweet will.
12. The petitioner's claim, as taken note of above, is clearly unsustainable on the touchstone of the concept of compassionate appointment and the emphasis on immediacy, as held by the Apex Court in the case of ***Debabrata Tiwari*** (*supra*).

13. We find no reason to interfere with the order dated 07.08.2025 passed by the S.A.T. in O.A. 419 of 2024 rejecting the petitioner's claim.
14. The Writ Petition being **W.P.S.T. 191 of 2025** is dismissed.

(Madhuresh Prasad, J.)

(Prasenjit Biswas, J.)