

4th April, 2025
(D/L No.23)
Ct. No.4
(SKB)

W.P.S.T.209 of 2024

Samsuzzoha Sk. @ Md. Samsudzzoha
Versus
The State of West Bengal and others

Mr. Susanta Paul,
Mr. Hemonta Coomer Mitter
... for the petitioner.

Ms. Sonal Sinha,
Mr. Saptak Sanyal,
Mr. Sandipan Das
... for the State.

Mr. Sourav Mondal
... for the Principal Accountant General.

1. Heard the learned counsel for the petitioner and the learned counsel for the State.
2. Pursuant to the liberty granted earlier for filing a supplementary affidavit, the same has been filed. The supplementary affidavit is not happily worded inasmuch as it seeks to incorporate a prayer assailing the order of the West Bengal Administrative Tribunal in OA No.93 of 2021. However, considering the substance of the averments therein, we have taken the supplementary affidavit on record.
3. As a result, of filing of the supplementary affidavit, the writ petition is now filed assailing the order passed in OA No.93 of 2021 passed on 29.09.2023 and seeking a direction upon the

respondents to reconsider the claim for compassionate appointment.

4. The petitioner claims to be son of the deceased Md. Mahatabuddin Sk., who was a Khalasi in the work charged establishment. The petitioner claimed that since the father had discharged duties as a work charged Khalasi for a long period of time, the benefit of compassionate appointment should be extended to the petitioner.
5. The West Bengal Administrative Tribunal (in short 'Tribunal') has considered the matter with reference to the provisions contained in the scheme of compassionate appointment dated 03.12.2013 issued by the Labour Department, Government of West Bengal, under which the petitioner claimed the benefit. Having taken note of the provisions contained in Clauses 2 and 3(f) of the said scheme, the Tribunal has found the applicant's claim to be not tenable.
6. The application of the scheme is specified in Clause 2 of the notification dated 03.12.2013. In unambiguous terms states that it applies to "dependant family members of a government employee". The expression 'Government employee' has further been defined in Clause 3(f) in the following terms:

“Government employee” for the purpose of this scheme means a Government employee appointed on regular basis and not the one working on daily wage or casual or apprentice or ad-hoc or contract or re-employment basis.”

7. The admitted case of the petitioner is that the petitioner’s father was not working on regular basis and was actually working in the work charged establishment as a Khalasi. Since the work charged Khalasi is not included within the definition of ‘Government employee’ in Clause 3(f) of the notification dated 03.12.2023, rejection of the petitioner’s claim for compassionate appointment, in our considered view, does not require any interference. We, thus, find no infirmity in the West Bengal Administrative Tribunal’s order dated 29.09.2023 in dismissing the OA No.93 of 2021.
8. The writ petitioner is, accordingly, dismissed.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)