

22.12.2025
(D/L-17)
Ct. No.4
(B.K.N.)

W.P.S.T. 240 of 2025
Smt. Soma Ghosh alias Soma Panda
Vs.
The State of West Bengal & Ors.

Mr. Ram Krishna Dutta,
Mr. Sourav Mondal

... for the Petitioner

1. Heard learned advocate for the petitioner.
2. The petitioner is claiming to be unmarried daughter of the government employee namely, late Debesh Ranjan Ghosh who died in harness while working as a Health Inspector in the office of the Zonal Health Officer, Zone No. 1, at Barrackpore under the Calcutta Metropolitan Urban Health Organization.
3. It is the claim of the petitioner that she made an application for appointment on compassionate ground immediately after death of her father on 10.02.2000. The application is claimed to have been made on 22.02.2000. The claim was rejected on 15.12.2000 and Original Application was filed in the year 2017 before the West Bengal Administrative Tribunal (Tribunal for short). It was petitioner's case that rejection order dated 15.12.2000 was not communicated to her.
4. In the proceeding arising out of O.A. No. 980 of 2017 the rejection order was quashed and the matter was

remitted back to the Director to review the case of the applicant as per Rules and circulars.

5. The authorities, thereafter have considered the petitioner's claim. Taking cognizance of the fact that the applicant took no steps for nearly 17 years prior to filing of the first Original Application, the claim for compassionate appointment was rejected by an order dated 25.01.2017 passed by the Additional Chief Secretary, Government of West Bengal in the Department of Health and Family Welfare. This order was put to challenge by the petitioner in O.A. 181 of 2022. The Tribunal has considered the inordinate delay of 17 years to be a ground sufficient to disentitle the petitioner for benefit of compassionate appointment. The order dated 25.01.2017 passed by the Additional Chief Secretary was, therefore, not interfered with by the Tribunal.
6. The order of the Tribunal in this regard is dated 07.08.2025, passed in the second Original Application filed by the writ petitioner bearing O.A. No. 181 of 2022.
7. The learned advocate for the writ petitioner submits that since rejection was not communicated in the year 2000, the Tribunal in the earlier O.A. No. 980 of 2017, directed for reconsideration. Therefore, there was no occasion for the Tribunal to reject the second Original Application O.A. No. 181 of 2022, considering a delay.

8. We find no force in such submission. The law as regards compassionate appointment is now settled. The object of the social welfare scheme is to provide succour to a family left in destitute by sudden loss of a bread earner. The Apex Court recently in the case of ***Debabrate Tiwari*** reported in **(2025) 5 SCC 712** has dealt with the issue in detail and laid down the law that claim for compassionate appointment is founded on the concept of immediacy. It is not a right to be exercised by a beneficiary at any point of time. The Apex Court held that compassionate appointment being an exception to the general rule of appointment can only be granted as per the terms and conditions of the scheme governing compassionate appointment and if the same is availed immediately after demise of the sole bread earner.
9. In the present case the petitioner claims to have applied immediately after her father's demise. She further alleges that the rejection of her claim vide order dated 15.12.2000 was not served on the petitioner.
10. Even if these facts are accepted as correct, it does not justify the long and inordinate delay in approaching the Tribunal, 17 years after demise of petitioner's father by filing the first O.A. No. 980 of 2017.
11. The delay of 17 years prior to invoking the Tribunal on the first occasion could not be; and has rightly not

been ignored by the authority while passing reasoned order dated 25.01.2017 in O.A. No. 181 of 2022.

12. The authority which was considering the petitioner's claim as per the Tribunal's order passed in O.A. No. 980 of 2017 could not lose sight of the fact that the claim for compassionate appointment being considered in the year 2017 was founded on death of the Government employee, 17 years prior thereto, i.e. in 2000.

13. The belated or stale claim, even if it was being considered and decided in compliance with the Tribunal's order would be considered as a stale claim. The order of the Tribunal cannot be considered as furnishing a fresh cause of action for reviving the otherwise stale claim. The issue of delay and laches was required to be considered with reference to the original cause of action. The Apex Court in this connection has held that "*neither a Court's direction to consider a representation issued without examining the merits, nor a decision given in compliance with such direction, will extend the limitation, or erase the delay and laches*". The same has been held by the Apex Court in the case of ***Union of India and Others -Vs.- M.K. Sarkar*** reported in **(2010) 2 SCC 59**.

14. There is another factual aspect requiring consideration in the present case. Even after rejection of petitioner's

claim by the authority on 25.01.2017, writ petition was filed after 5 years, i.e. in the year 2022.

15. The above noted timeline indicates a pattern of inordinate delay in approaching the Tribunal/Court, leaving no room for doubt that the petitioner's claim before the Tribunal in O.A. No. 181 of 2022, was also a stale claim. We, therefore, find no reason to interfere with the order dated 07.08.2025 passed by the Tribunal in O.A. No. 181 of 2022.

16. The writ petition is dismissed.

17. Urgent Photostat Certified copy of this order, if applied for, be supplied to the parties upon compliance with all necessary formalities.

(Madhuresh Prasad, J.)

(Prasenjit Biswas, J.)