

9th December, 2025
(D/L No.6)
Ct. No.4
(SKB)

W.P.S.T.245 of 2025

Avinaba Dey
Versus
The State of West Bengal and others

Mr. Mukundalal Sarkar,
Ms. Pallabi Chatterjee
... for the petitioner.

Mr. Tapan Kumar Mukherjee, Id. AGP,
Mr. Pinaki Dhole,
Mr. Somnath Naskar
... for the State.

1. The petitioner approached the West Bengal Administrative Tribunal (in short 'Tribunal') for setting aside the two orders dated 22.02.2024 and 20.06.2024 whereby and whereunder his claim for compassionate appointment was regretted. The Tribunal dismissed the O.A. No.412 of 2024 filed by the petitioner, vide order dated 19.11.2024, which is the subject matter of the present writ petition.
2. The writ petitioner is the son of a government employee, who died in harness on 02.02.1010. The case of the petitioner is that he had made an application for appointment on compassionate ground on 21.07.2010. Since the said application is still pending, his claim ought to have been considered by the authorities for grant of compassionate

appointment as the application was made within time.

3. We find that the writ petitioner's claim has been rejected by an order dated 20.06.2024. The rejection order takes into consideration the fact that the petitioner's mother had applied for appointment on compassionate ground. Her claim was rejected on 22.04.2015 on the ground that her application was belated. Apparently, more than a year thereafter on 02.08.2016, the mother made an application that the petitioner (her son) may be considered for appointment on compassionate ground. It is this application, which was rejected by the authorities by assigning a reason that there is no scope for reconsideration.
4. The learned advocate for the petitioner submits that the rejection of his mother's claim for compassionate appointment would not affect the petitioner's claim. The mother's application was rejected as being a belated application. The petitioner, however, had applied within time and the application was kept pending till passing of the reasoned order on 20.06.2024.
5. The petitioner approached the West Bengal Administrative Tribunal (in short 'Tribunal') assailing the rejection order dated 20.06.2024.

The Tribunal rejected the Original Application being O.A.412 of 2024, upholding the decision of the authorities, rejecting the petitioner's claim.

6. We find from the records that after the petitioner claims to have made his application for compassionate appointment on 21.07.2010, his mother made an application on 10.05.2011 wherein she has stated as follows:

“Due to some family problems, Sri Abhinaba Dey is unable to join in the service and I pray for appointment in Govt. service under die in harness category.”

In view of the above, I request your goodself to kindly consider my prayer for Govt. service against my husband under die in harness category. I am enclosing all the necessary documents in support of my prayer.”

7. It is in this background that the mother's application was considered for the benefit of compassionate appointment, instead and in place of the present petitioner's application. Therefore, there is no occasion for the petitioner to contend that after 10.05.2011 his application for compassionate appointment was pending. The mother's application was rejected on 22.04.2015. The records further reveal that more than a year thereafter, she again applied for appointment of the petitioner (son of deceased employee) on compassionate ground.
8. The learned advocate for the petitioner is not in-a-position to point out any provision which

provides that after rejection of a legal heir's claim for compassionate appointment, another legal heir/dependant can make an application for appointment on compassionate ground, that also six years after the demise of the government servant. In this case, the demise is dated 02.02.2010. An application to consider the petitioner for grant of compassionate appointment, was made on 02.08.2016.

9. In these circumstances, we do not find any infirmity in the rejection order date 20.06.2024, wherein the authorities have considered that there is no scope for reconsideration of grant of compassionate appointment now to the petitioner, once the mother's claim has been rejected. The authorities have rightly held that the first prayer dated 21.07.2010 cannot be considered as a subsisting claim in view of the subsequent application filed by the mother on 10.05.2011.

10. In this connection, we consider it worth taking note of the law, recently stated by the Apex Court in the case of ***State of West Bengal Vs. Debabrata Tiwari and others*** reported in ***(2025)5 SCC 712***. The Apex Court in the said judgment has held that the concept of compassionate appointment is founded on

urgency and immediacy of the requirement to provide financial assistance to the family left in destitute, on account of demise of the bread earner. It was held that compassionate appointment being in exception to the general rule of recruitment, the benefit can be availed of strictly in terms of the policy for furtherance of the object to the policy. It has further elaborated that the benefit of compassionate appointment cannot be availed of by a dependant/legal heir at any time as per his/her own sweet will.

11. In the present case, we, thus, find that there is no scope for assailing the rejection of the petitioner's claim by the authorities vide order dated 20.06.2024. The decision of the Tribunal, therefore, in our opinion, requires no interference.

12. The writ petition is, accordingly, dismissed.

(Madhuresh Prasad, J.)

(Prasenjit Biswas, J.)