

18.12.2025
Sl No.A708
Ct. No.15
S.A.

WPA 30782 of 2024

Suman Baulia

-vs-

State of West Bengal & Ors.

Mr. Abhratosh Majumdar

Mr. Avra Mazumder

Mr. Sayan Sinha

Mr. K. Roy

...for the petitioner

Mr. Lalit Mohan Mahata

Mr. Prasanta Behari Mahata

Mr. Ziaul Haque

...for the State

The grandfather of the petitioner died in harness on March 19, 2007, while serving as a Gram Panchayat Karmee under the Dulduli Gram Panchayat. Thereafter, his son applied for appointment on compassionate grounds. The compassionate appointment in favour of the petitioner was approved by the respondent authorities on July 27, 2022. However, prior to the grant of such approval, the petitioner's father had died on March 5, 2016.

Subsequently, the writ petitioner submitted an application seeking appointment on compassionate grounds. As the said application was not considered, the petitioner filed WPA 1488 of 2024.

A Co-ordinate Bench of this Hon'ble Court, by an order dated February 19, 2024, dismissed the said

writ petition, holding, inter alia, that the very purpose of granting compassionate appointment—namely, to alleviate the immediate financial crisis of the family of the deceased employee—was absent in the case.

Aggrieved by the order dated February 19, 2024, the petitioner preferred MAT 510 of 2024 before a Division Bench of this Court. The Division Bench, however, disposed of the said appeal, observing, inter alia, as follows:

“Ordinarily, we would not have interfered with the order under appeal as apparently it does not suffer from any infirmity. The law governing the subject has been succinctly and correctly summarized by the learned Judge. However, only in view of the fact that approval was granted in favour of the appellant’s father, albeit after the death of the appellant’s father, we are directing the Competent Authority to consider the case of the appellant. The respondent No.8 shall take an independent decision in the matter without being influenced by any observation in this order.”

Pursuant to the order passed by the Division Bench, the case of the petitioner was considered by the Commissioner of the Panchayat Department of the State. However, by an order dated June 7, 2024, the petitioner’s prayer was rejected. The said order of the Commissioner dated June 7, 2024 has been challenged by the petitioner. In this order, the Commissioner observed, inter alia, :-

“On perusal of facts and circumstances it is observed that:

- i) *The father of the petitioner, being a dependant family member of the deceased employee, duly made an application within prescribed time limit which took longer to get enquired, to get it satisfactory on grounds of several compliances required by rules at different layers of administrative machinery and finally got approval of the administrative department in the month of July 2022, which was communicated to the appointing authority soon thereafter vide no. I/209799/2022 dated 27-07-2022. On many occasions actual appointment takes time depending on the availability of suitable vacancy under 'exempted category' in the roster of appointment. It is also a fact that the Department completed the process of according approval diligently, taking too long albeit, without knowing the fact of death of the applicant Jayanta Baulia. Had the administrative Department been aware of the fact of death during pendency of the application, it could have been disposed in a different manner;*
- ii) *There exists no provision to include grandchild as dependant for the purpose of appointment on compassionate ground in the Labour Department notification No. 97-Emp dated 06-06-2005 prevailing at the time of death of the employee (on 19-03-2007) or in the G.O. No. 251-Emp dated 03-12-2013 of Labour Department, Govt. of West Bengal read with Notification No. 4097/PN dated 29-09-2014 of the Panchayats and Rural Development Department, Govt. of West Bengal on the basis of which the approval for appointment on compassionate ground was accorded in the year 2022;*
- iii) *Compassionate appointment in any case would not be a matter of right but would be subject to fulfillment of all the conditions, enquiries, availability of vacancy at appropriate level as aptly mentioned at para 14(c) of Labour Department Notification No. 251-Emp dated 03-12-2013 and thus procedural delay in according the approval for*

compassionate appointment cannot be sufficient ground to consider the grandchild for appointment, who is otherwise not eligible as per extant Acts and Rules;

As the petitioner was not found to be considered eligible for getting appointment on compassionate ground as per extant Acts and Rules, his representation received by Panchayats and Rural Development Department, Govt. of West Bengal on December 20, 2022 was thus considered and rejected.”

I find no justification to interfere with the aforesaid order impugned in the present writ petition. The relevant scheme, as appearing at page 62 of the writ petition, clearly indicates that only the following categories of persons can be considered as dependent family members of the deceased employee.

“Definition –

“Dependent Family Member” means

- (a) spouse; or*
- (b) son (including legally adopted son before death or incapacitation); or*
- (c) unmarried daughter (including legally adopted unmarried daughter before death or incapacitation); or*
- (d) married daughter who on date of death or incapacitation was unmarried; or*
- (e) brother or sister in case of death in harness of an unmarried employee provided his/her parent, all the brothers and sisters were fully dependent on him/her,*
- who was wholly dependent on the Government employee at the time of his death in harness or incapacitation, as the case may be, and is in need of immediate financial assistance at the*

time of making application and also at the time of consideration.”

Like any other right, the right to compassionate appointment must be examined in the context of the relevant statute, scheme, or notification introduced by the State from time to time. A claim for compassionate appointment cannot be sustained beyond the scope of the prescribed scheme, unless such scheme is shown to be unreasonable, arbitrary, or violative of any constitutional provision.

Under the present scheme, a grandson has been expressly excluded from the definition of dependent family members. No exception can be taken to such exclusion. In the facts of the present case, it is undisputed that at the time of the death of his grandfather, the petitioner was only six years old, and at the time of the death of his father as well, the petitioner was a minor.

It is well settled that compassionate appointment is intended solely to provide immediate financial assistance to a family that suffers a sudden financial crisis due to the untimely death of the sole breadwinner. Such immediacy, which is an essential prerequisite for compassionate appointment, is conspicuously absent in the present case, particularly since the petitioner was only six years old at the time of his grandfather's death.

The scheme cannot be held to be violative of any constitutional provision or vitiated by arbitrariness merely because it excludes a grandson from the ambit of dependent family members. On the contrary, extending compassionate appointment to a grandson is fundamentally inconsistent with the very object of the scheme, as it would defeat the purpose of providing immediate financial relief to the bereaved family.

Accordingly, **WPA 30782 of 2024** is dismissed.

Urgent photostat certified copy of this order, if applied for, be supplied to the learned advocates for the parties on usual undertakings.

(Kausik Chanda, J.)