

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

WPO/708/2025

JOY DAS

VS

THE STATE OF WEST BENGAL AND ORS.

BEFORE:

HON'BLE JUSTICE SAUGATA BHATTACHARYYA

Heard on : 03.12.2025, 17.12.2025.

Judgment on 17.12.2025.

Appearance :

Mr. Sabyasachi Chatterjee, Adv.

Mr. Akeshdeep Mukherjee, Adv.

Mr. Soumyadip Nag, Adv.

Mr. SATyam Pandey, Adv.

....for petitioner.

Mr. Manoj Malhotra, Adv.

Mr. Sabyasachi Mondal, Adv.

...for State.

Mr. N. C. Bihani, Sr. Adv.

Ms. Deblina Chattoraj, Adv.

...for CSTC.

SAUGATA BHATTACHARYYA, J:

1. In the writ petition, order of Managing Director, Calcutta State Transport Corporation dated 4th August, 2025 is questioned whereby prayer of the petitioner for appointment on compassionate ground was spurned.
2. Father of the petitioner was an employee of Calcutta State Transport Corporation (for short, 'CSTC'), who died in harness on 29th November, 2007. At the time of death of father, petitioner was minor. After death of father, petitioner's mother applied for appointment on compassionate ground. Previously, a writ petition was filed being WPO/1336/2023 (Joy Das vs. The State of West Bengal and Ors.) claiming appointment on compassionate ground wherein a Co-ordinate Bench vide order dated 22nd May, 2025 disposed of the writ petition directing the concerned authority of CSTC to take steps in accordance with law relating to claim of the petitioner seeking appointment on compassionate ground. However, in the said order dated 22nd May, 2025 all issues were kept open and there

was a direction that the order passed on 27th April, 2022 in the writ petition being **WPO/1240/2021 (Upendra Kumar vs. The State of West Bengal and Ors.)** requires consideration by the concerned authority of CSTC while deciding the claim of the petitioner for appointment on compassionate ground.

3. It is submitted by Mr. Chatterjee, learned advocate representing the petitioner that while deciding the claim of the petitioner seeking appointment on compassionate ground vide impugned order dated 4th August, 2025, order of the Co-ordinate Bench in **Upendra Kumar** (supra) was not considered and due consideration of the ratio of **Upendra Kumar** (supra) would have altered the situation and claim of the petitioner could have been decided otherwise.
4. Mr. Bihani, learned senior advocate representing the CSTC has opposed the writ petition based on the decision taken by the Managing Director, CSTC dated 4th August, 2025. It is submitted that all previous orders and/or directions relating to appointment on compassionate ground were either withdrawn or superseded vide Notification No.251-EMP dated 3rd September, 2013 issued on behalf of the Labour Department, Government of West Bengal. Relating to the claim of the petitioner for appointment on compassionate ground based on ratio of **Upendra Kumar** (supra), it is also submitted that it was a case under Calcutta Tramways Company and in the present case petitioner is seeking appointment in CSTC. Moreover, it is asserted that there is no scheme prevalent which confers right upon the dependent family member of the deceased employee to get appointment on compassionate ground.
5. On submissions being made on behalf of the parties and taking note of the relevant materials available on record, it is found that nothing is demonstrated which shows existence of a scheme relating to compassionate appointment as on date which could have been pressed

into service in order to decide the claim of the petitioner. Moreover, on perusal of the impugned order dated 4th August, 2025 it transpires that all previous orders and/or notifications regarding the appointment on compassionate ground where either withdrawn or suspended vide Government Notification No.251-EMP dated 3rd September, 2013.

6. In absence of valid scheme, right of a dependent family member of deceased employee, who died in harness, cannot be taken into consideration.
7. Moreover, what is striking that petitioner was indisputably minor on the date of death on 29th November, 2007. It appears from the affidavit in connection with the present writ petition that present age of the petitioner is 32 years. Therefore, on the date of death of the employee on 29th November, 2007 he was minor. In the case relating to the appointment on compassionate ground unless scheme provides, a minor at the time of date of death of employee has no right to be considered for appointment on compassionate ground. The ratio of **Upendra Kumar** (supra) will not apply in the present case since it was not a case of appointment of a candidate, who was minor at the time of death of employee. In this regard, reliance is placed on judgment of the Hon'ble Division Bench reported in **2019 SCC OnLine Cal 159** on two writ petitions, one is **Arindam Chowdhury vs. State of West Bengal and Ors.** and another is **Anirban Jana vs. State of West Bengal & Ors.** In the said judgment Hon'ble Division Bench succinctly decided that right of a minor candidate cannot be preserved till he becomes major for obtaining appointment on compassionate ground if scheme is silent on this issue.
8. In view of the aforesaid situation, no relief can be granted to the petitioner.
9. Writ petition stands dismissed. There shall be no order as to costs.

(SAUGATA BHATTACHARYYA, J)