

S/L 06
15.06.2026
Court No.04
B.K.N

W.P.S.T. 21 of 2026
Sanjay Routh
Vs.
The State of West Bengal & Ors.

Ms. S. S. Arefin,
Ms. Anamika Jana

...for the Petitioner.

Ms. Chandreyi Alam, Ld. AGP,
Ms. Runu Mukherjee

...for the State of West Bengal.

1. The present writ petition arises out of an order dated 07.08.2025 passed by the West Bengal Administrative Tribunal (Tribunal for short) in O.A. No. 593 of 2024 rejecting the petitioner's Original Application.
2. Heard the learned advocate for the petitioner and the learned advocate for the respondent State.
3. The present writ petitioner's father died while in harness on 05.07.2011. At the time of his demise he was working as a Sweeper.
4. The petitioner's mother is said to have submitted a request on 11.11.2011 for the present petitioner's appointment. More than eleven years thereafter the present petitioner sent a representation dated 05.07.2022 to the Superintendent of the hospital. Thereafter he submitted a proforma application seeking benefit of compassionate appointment. The petitioner submitted the proforma application on 04.11.2022. Three representations thereafter were submitted which resulted in rejection of the petitioner's claim by an

order dated 22.04.2024 issued by the Additional Director and Senior Special Secretary in the Directorate of Health Services, Government of West Bengal. The reason assigned for rejection is that though he was eligible for the benefit as per his age on the date of unfortunate demise of his father, he made an application for the benefit of compassionate appointment nearly eleven years after the unfortunate demise of his father.

5. The learned advocate for the writ petitioner would submits that the rejection order is unsustainable. The Three Member Committee considered the petitioner's claim and found the claim for the benefit of compassionate appointment to be admissible to the writ petitioner. In view thereof the rejection order dated 22.04.2024 is unsustainable since the same is at variance with the findings of the Three Member Committee. The Additional Director and Senior Special Secretary in the Directorate of Health Services, Government of West Bengal while passing the order dated 22.04.2024 could not travel beyond the scope of the recommendation of the Three Member Committee dated 20.05.2023.
6. The learned State advocate on the other hand submits that the petitioner was required to submit an application as per the policy for grant of compassionate appointment within a period of two years from the

demise of his father. Though he was eligible, he chose not to make an application for more than a decade.

7. It is submitted that the benefit of compassionate appointment is to enable the family of the deceased employee to tide over the sudden crisis arising out of the loss of the bread winner. There is an underlying concept of immediacy in the scheme. The same does not contemplate that compassionate appointment can be availed at any point of time as if it was a regular source of recruitment. The benefit is granted in exception to the general rule of recruitment and, therefore, the claim is required to be considered in furtherance of such object. Therefore, there is no infirmity in the decision of the Additional Director and Senior Special Secretary in the Directorate of Health Services, Government of West Bengal.
8. We have considered the rival submissions.
9. We find from copy of the report of the Three Member Committee that while considering the claim of the writ petitioner, the Committee has submitted its report dated 18.05.2023 on the various parameters specified in the proforma for consideration by the Three Member Committee. The copy annexed however, does not contain any opinion/recommendation of the Three Member Committee. Therefore, we do not find any force in submission of the learned advocate for the writ petitioner that there was a recommendation by the three member committee in his favour.

10. Report of the Three Member Committee is required to be considered with reference to the various parameters in terms of the scheme to assess and report regarding eligibility of the family/claimant, and whether the claim is admissible. The final decision, however, is to be taken by the Additional Director and Senior Special Secretary in the Directorate of Health Services, Government of West Bengal, with reference to the report of the Three Member Committee.
11. We find force in submissions of the learned advocate for the writ petitioner. The report forms a very valid material as regards admissibility/eligibility of the candidate/family of the deceased. However, in the present case, copy of the Three Member Committee report dated 18.05.2023 does not contain any opinion/recommendation. The authority competent to take a decision, therefore, rightly exercised discretion with reference to the report and other relevant parameters under the scheme for compassionate appointment under which the benefit is being claimed.
12. Also there is no dispute that the scheme requires making of an application within two year by the applicant seeking the benefit. As noticed above, the applicant submitted an application after eleven years of the demise of his father. From the report of the Three Member Committee, we further find that spouse of the deceased (mother of the present writ petitioner) is also a Government servant.

13. Considering the entire conspectus of facts, we find no reasons to interfere with the decision of the Additional Director and Senior Special Secretary in the Directorate of Health Services, Government of West Bengal rejecting the petitioner's claim for compassionate appointment by its order dated 22.04.2024. The Tribunal's order in our opinion rightly refused to interfere with such decision and to pass any orders for grant of compassionate appointment to the writ petitioner.
14. Our view is fortified by a recent decision of the Hon'ble Apex Court in the case of ***The State of West Bengal –Vs.- Debabrata Tiwari & Ors.*** reported in ***(2025) 5 SCC 712*** wherein the Hon'ble Apex Court has reiterated the legal position highlighting the concept of immediacy requisite in such a claim, having regard to the object and purpose of the concept of compassionate appointment to provide immediate succor to the destitute family of the Government employee. Having regard to decision of the Hon'ble Apex Court, and other factors considered above, there is no scope for sustaining a claim made by the writ petitioner eleven years after the demise of his father.
15. The decision of the Additional Director and Senior Special Secretary in the Directorate of Health Services, Government of West Bengal rejecting the petitioner's claim and decision of the Tribunal dated 07.08.2025

passed in O.A. No. 593 of 2024 in our opinion requires no interference.

16. The writ petition is dismissed.
17. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Madhuresh Prasad, J.)

(Prasenjit Biswas, J.)