

W.P.S.T. 29 of 2026

**Dilip Dangar
Vs.
The State of West Bengal & Ors.**

Mr. Asit Baran Mukherjee

...for the Petitioner

(Name not supplied)

...for the Respondent

1. Heard the learned advocate for the writ petitioner/applicant. The learned advocate for the respondent has also appeared.
2. The Government employee died-in-harness on 16.02.2010. His son (applicant/writ petitioner) made an application for appointment on compassionate ground on the prescribed proforma on 01.03.2012. The extant policy governing compassionate appointment required making of an application within six months. The petitioner's application, however, was much beyond two years. The claim of compassionate appointment was rejected on 22.09.2015 by an order issued by the Joint Secretary to the Government of West Bengal in the Public Works Department. Eight years thereafter, an Original Application was filed. O.A. No. 466 of 2024 was, thus, rejected as being barred by limitation. The order of the West Bengal Administrative Tribunal ('S.A.T.' for short) dated

25.03.2025, in O.A. No. 466 of 2024, is put to challenge in the present proceeding.

3. The above noted timeline, with regard to the date of demise of the petitioner's father, belated application, rejection dated 22.09.2015 and the fact of having invoked the S.A.T.'s jurisdiction after eight years, is not in dispute.
4. The learned advocate for the applicant/ writ petitioner submits that in view of the nature of claim being a compassionate appointment, the S.A.T. should not have rejected the petitioner's claim, merely on a technical ground of limitation/delay. He has referred to a decision of a co-ordinate Bench of this Court in W.P.S.T. No. 167 of 2010 dated 07.04.2010, copy of which has been handed over to the Court.
5. The learned advocate for the State on the other hand has opposed the prayer. According to him, the S.A.T.'s order does not require any interference, keeping in view the unexplained delay.
6. We have considered the rival submissions and the Judgement relied upon by the learned advocate for the writ petitioner.
7. The facts being undisputed, we find that the case of the petitioner does not derive any sustenance from the Judgement relied upon. The Judgement of the co-ordinate Bench deprecated rejection of

the claim for compassionate appointment by the authorities and the S.A.T. on the ground of delay, taking note of the fact that the delay therein had been occasioned by the authorities themselves. It is in such circumstance that the co-ordinate Bench held that the State being a benevolent litigant should not be permitted to take advantage of its own wrong.

8. No such situation arises for consideration in the present case. The delay in making an application for a compassionate appointment, and challenging the order of rejection is unexplained and wholly attributable to the petitioner.
9. In the circumstance, we find no reason to interfere with the order of the S.A.T. dated 25.03.2025 in O.A. No. 466 of 2024.
10. The Writ Petition is dismissed.

(Madhuresh Prasad, J.)

(Prasenjit Biswas, J.)