

W.P.S.T. 36 of 2026

**Sujata Majumdar
Vs.
The State of West Bengal & Ors.**

Mr. Bikash Goswami,
Mr. Osman Gani Mallick

...for the Petitioner

Mr. Tapan Kumar Mukherjee, Id. A.G.P.,
Mr. Somnath Naskar

...for the Petitioner

1. Heard the learned advocate for the writ petitioner and the learned A.G.P. appearing for the State.
2. The short facts leading to filing of the application before the West Bengal Administrative Tribunal ('S.A.T.' for short) is that the petitioner's father died while in-harness working as a Group-D in the Health Department on 25.05.2006. There is averment in the O.A. that application was filed for compassionate appointment on 22.01.2007. The O.A. has been filed alleging that no decision was taken on the claim for compassionate appointment. A decade thereafter, O.A. No. 1094 of 2017 was filed. The same remained pending in the S.A.T. for about two years when an order dated 10.04.2019 was passed in the following terms:

*"As the related matter is pending
before the Hon'ble Apex Court, let the
matter be kept Sine Die for the present with*

*liberty to mention after the outcome of the
Hon'ble Apex Court."*

3. Nearly seven years thereafter the present writ petition has been filed alleging that since the S.A.T. is non-functional since September, 2025, for want of a member, the petitioner has been left remediless and the writ petition be considered by this Court. The above facts are not in a dispute.
4. The learned advocate for the petitioner submits that since there is a scheme for compassionate appointment in the service where the petitioner's father died-in-harness, the authorities were obliged to consider the claim. The petitioner has waited for the authorities to take a final decision and during pendency of her claim for a decade, she approached the authorities several time, but with no avail.
5. The learned A.G.P. on the other hand submits that the facts of the case emerging from the pleading manifests a lackadaisical attitude by the applicant/petitioner, who is seeking benefit of compassionate appointment. There appears to be no sense of immediacy or urgency. The belated approach of the petitioner before the S.A.T., i.e. a decade after making an application for compassionate appointment, was required to be rejected.

6. Considering the rival submissions and decision of the Apex Court in the case of ***State of West Bengal Vs. Debabrata Tiwari & Ors.*** reported in ***(2025) 5 SCC 712***, relied upon by the learned advocate for the writ petitioner, we find that insofar as the claim on merits, there is no doubt that the same is dependent upon existence of a scheme. There is a disagreement on this aspect wherein the learned A.G.P. submits that there is no such scheme for appointment of a beneficiary like the present petitioner, who was not dependant on the family/father, having married in the year 2008.
7. The learned advocate for the writ petitioner on the other hand submits that there is a scheme for compassionate appointment and the petitioner should have been extended the benefit.
8. Having regard to the submissions, the above noted undisputed facts, insofar as the timeline in pursuit of the claim is concerned; as well as the decision of the Apex Court in the case of ***Debabrata Tiwari*** (*supra*), we find that the Apex Court in the said Judgement (paragraph 33) lays emphasis on the concept of immediacy for availing a benefit like compassionate appointment.
9. In the present case from the above noted fact, we find that the petitioner approached the S.A.T. after a decade of her application for

compassionate appointment, before the authorities. There is no material-on-record to show that petitioner made any diligent efforts to pursue her claim. It appears that after making an application no steps were taken by the petitioner for nearly a decade.

10. The matter thereafter remained pending before the S.A.T. for nearly seven years, when the present writ petition was filed.
11. We have considered the above noted timeline which does not inspire any confidence in the claim raised by the petitioner on the touchstone of urgency and immediacy, so as to overcome a sudden crisis arising out of loss of the bread earner.
12. Having regard to the decision of the Apex Court in the case of **Debabrata Tiwari** (*supra*), and the principles enumerated in paragraph 32 of the judgement, we find that no sustainable claim is made out for compassionate appointment. The above noted timeline shows a lapse of twenty (20) years since demise of the writ petitioner's father in-harness till filing of the present writ petition. The period of delay by itself may not be a ground to reject the claim, if there is a valid and acceptable explanation for the delay. In the present case, there is no explanation with reference to any material explaining the delay of

nearly a decade in approaching the S.A.T.; and for approaching this Court nearly 9 years after moving the S.A.T.

13. The Writ Petition is dismissed.
14. In view of the present order being passed pendency of the Original Application before the S.A.T. would serve no useful purpose and would be an exercise in futility.
15. The O.A. No. 1094 of 2017 stands disposed of in these terms.

(Madhuresh Prasad, J.)

(Prasenjit Biswas, J.)