

Present :- Hon'ble Justice Amrita Sinha

The State of West Bengal & Ors.

Judgment on :- 06.05.2026

Amrita Sinha, J.:-

1. The petitioner claims compassionate appointment. His father died-in-harness on September 10, 2008. Application seeking compassionate appointment was filed by the widow of the deceased in July 2010. An application in the prescribed format by the petitioner was submitted on November 13, 2014. The same was initially considered by the authority and rejected vide communication dated June 14, 2016 on the ground that the application was submitted by the petitioner beyond the stipulated time period.
2. The Superintendent of the Government Press, West Bengal, where the petitioner was serving, communicated to the OSD & EO, Deputy Secretary to the Government of West Bengal, Commerce & Industries Department that the application was made within two years' time period but the file could not be processed within time as the pay scale of the deceased was not approved.

3. The matter was thereafter considered by the authority again and by communication dated December 21, 2023, the application stood rejected relying upon clause 10(aa) and clause 10(a) of the Labour Department's notification no. 25 EMP dated December 3, 2013.
4. Learned counsel for the petitioner submits that the petitioner was in no way responsible for the delay. The authority delayed in considering the application seeking compassionate appointment. For the delay on the part of the authority, the claim of the petitioner ought not to be negated.
5. It has been contended that as the application was made within the stipulated time period of two years, the said application ought not to be rejected on the ground of delay. There was no delay and/or laches on the part of the petitioner in either applying or processing his claim for compassionate appointment.
6. Learned counsel for the petitioner stresses on the amendment notification being no.26 EMP dated March 1, 2016 whereby the time for making the application for compassionate appointment has been extended.
7. Prayer has been made to set aside the impugned order of rejection and to direct the authority to reconsider the application and grant compassionate appointment.
8. None represents the respondents. Affidavit of service is on record.
9. I have heard the submission made by the learned advocate for the petitioner and have perused the documents placed before this Court.
10. Admittedly, in the instant case, the father of the petitioner expired on September 10, 2008. Assuming that the application seeking compassionate appointment was made within the stipulated time period, even thereafter, it appears that the petitioner was not diligent enough to pursue with his claim for compassionate appointment.
11. Appointment on compassionate ground cannot be claimed as a matter of right and the same is considered only for tiding over the immediate

financial crisis faced by the family on the death of the breadwinner. Such appointment is an exception to the general rule of recruitment.

12. The amendment of the notification heavily relied upon by the petitioner clearly specifies that, in exceptional cases, where none of the family members is eligible for being appointed on compassionate ground, the department can consider the request for such appointment even where the death took place before five years.
13. In the instant case, the petitioner was eligible for appointment on the day his father died-in-harness. It is for this reason that the application was made within the stipulated time period.
14. The petitioner ought to have pursued the said application in right earnest and approached the Court at the proper time. The petitioner has approached this Court for the first time in the year 2026 – nearly eighteen years after the death of his father. Had the petitioner been in such financial crisis that the family could not afford two square meals a day, the petitioner ought to have approached the Court at an earlier point of time.
15. The prayer of the petitioner for consideration of his case for grant of compassionate appointment in the year 2026 on account of the death of his father in-harness in September 2008 cannot be allowed by the Court.
16. In view of the above, no relief can be granted to the petitioner. The writ petition fails and is hereby dismissed.
17. All parties are to act on the server copy of this judgment duly downloaded from the official website of this Court.
18. Certified copy of this judgment, if applied for, shall be made available to the parties.

(Amrita Sinha, J.)