

30th April, 2026
(D/L No.13)
Ct. No.4
(SKB)

W.P.S.T. 45 of 2024

Prasanta Kumar Singha
Versus
State of West Bengal and others

Mr. Debanik Banerjee,
Mr. Aniruddha Ganguly,
... for the petitioners.

Mr. Tapan Kr. Mukherjee, Id. AGP,
Ms. Sangeeta Roy
... for the State.

1. Heard the learned advocate for the writ petitioner and the learned AGP.
2. The writ petitioner was the applicant before the West Bengal Administrative Tribunal (in short 'Tribunal') assailing an order rejecting his claim for compassionate appointment. The order rejecting the petitioner's claim is issued by the Commissioner, Textile and Sericulture, West Bengal, on 05.09.2016. The specific ground for rejection of the petitioner's claim is that his father was never absorbed in the regular establishment in the government service.
3. The learned advocate for the petitioner submits that the order of the authorities is unsustainable. The basis for rejection is false and untenable. Such submission is advanced placing specific reliance on an order dated 03.07.1996. Learned advocate for the petitioner

has also placed reliance on one order dated 24.03.2005 to buttress his submission that the petitioner's father was a Group-D employee absorbed/regularized in the government service.

4. In view of such submission, we have proceeded to consider the Officer Order dated 03.07.1996. The order contains list of persons appointed on ad hoc basis as Resham Karmee on supernumerary posts created in terms of the order dated 14.06.1996. In very specific terms, the order states as follows:

“The inter-se-seniority will be determined subsequently on the basis of the seniority position in the seniority lists of Daily rated workers maintained in respective districts of Uttar & Daxin Dinajpur/Nadia/Murshidabad and also other relevant rules, regulations norms and procedures etc. irrespective of issuance of appointment order or date of joining provided however that the seniority of any daily rated worker failing to join to the posts of Resham Karmee within the stipulated period or disqualified on the basis of adverse PoOlice Report (P.V.R.report) or medical report will not be considered. In case of Darjeeling district two separate gration lists will be maintained, one for Hill areas and the other for Siliguri Sub-Division based on inter-se seniority position of eligible daily rated workers of the two aforesaid areas as in existing practice.”

5. The order, therefore, which is relied upon in unambiguous terms, states regarding the ad hoc nature of the petitioner's father's appointment and that the nature of appointment was that of a daily rated worker.
6. In so far as the other order dated 24.03.2005, the same bears reference to 1335 numbers of

casual/seasonal workers who were absorbed in the Sericulture Directorate in 1996.

7. The same also does not in any way support and substantiate the claim of the writ petitioner since it does not state that petitioner's father was one amongst the 1335 casual/seasonal workers who were absorbed.
8. In absence of any material to show that the petitioner's father was absorbed/regularized, there is no scope for the petitioner to claim that his father was a government employee who died-in-harness, so as to sustain a claim for compassionate appointment.
9. Another aspect of the matter, which has been dealt with by the authorities in the affidavit-in-opposition, was the belated submission of the application for compassionate appointment, which fact is disputed by the writ petitioner.
10. Since the learned advocate for the petitioner has not been able to point out any material to sustain the claim of the petitioner that his father was, however, regularized/absorbed, we find no reason to interfere with the rejection order of the Commissioner dated 05.09.2016, as well as the order of the Tribunal dated 15.03.2023 passed

in O.A. NO.464 of 2017, rejecting the petitioner's claim.

11. The writ petition is, thus, dismissed.

(Madhuresh Prasad, J.)

(Prasenjit Biswas, J.)