

S/L 4
14.05.2026
Court No.18
SD

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 8159 of 2026

Sri Amar Mandal

Vs.

The State of West Bengal & Ors.

Ms. Dipanwita Ganguly

...for the Petitioner.

1. The petitioner claims to be the grandson of one Laboo Mondal who was a Work Charged Ex-Road Mazdoor under the Jangipur Sub Division of Berhampore Division-I under Central Circle, Public Works Directorate.

2. He died-in-harness on January 13, 1966. The aforesaid Mazdoor left behind a minor son, Shasthi Mandal, aged about two years at the time of his death. The widow of the deceased approached the authority seeking compassionate appointment.

3. The petitioner has averred that on attaining majority, his father, Shasthi Mandal applied for appointment in the year 1983-84. The petitioner has averred that in the year 2010 it was learned that though other similarly situated candidates were considered for appointment along with Shasthi Mandal, appointment was not granted in favour of his father. The claim of the father of the petitioner for compassionate appointment was formally rejected on July 20, 2022.

4. As the father of the petitioner crossed the age for being employed, the petitioner being the grandson of

the Mazdoor applied for compassionate appointment. A legal representation was also served on behalf of the petitioner. The same stood rejected vide order dated February 20, 2026. The rejection is impugned in the instant writ petition.

5. The impugned order of rejection mentions that Laboo Mondal was a work-charged mazdoor. There is no provision for grant of employment on compassionate ground to work charged employees of the Directorate.

6. Clause 3 (f) of the Notification No.251-Emp. dated December 3, 2013 has been relied upon by the authority. The same mentions that a Government employee for the purpose of the Scheme for compassionate appointment means the employee appointed on regular basis and not the one working on daily wage or casual or apprentice or ad-hoc or contract or re-employment basis.

7. As per order No.27-Emp. dated June 7, 2022 of the Labour Department, work charged staff is not considered as a regular government employee.

8. Prayer of the petitioner for reconsideration of his case for grant of compassionate appointment was found to be not in terms of the extant Rules and stood rejected.

9. Learned advocate for the petitioner submits that there was no delay on the part of the father of the petitioner or the petitioner for applying for obtaining

compassionate appointment. The family is in a hand to mouth situation and appointment is very much required for survival of the family.

10. On an query from the Court as to whether such appointment can be considered after such a delayed point of time, it has been submitted that delay was on the part of the respondent authorities in not considering the prayer of the predecessor-in-interest of the petitioner for grant of compassionate appointment and the petitioner ought not to suffer for the same.

11. Learned advocate for the petitioner has, however, failed to produce any Scheme to show that there is a provision for grant of compassionate appointment to the work charged employees of the Directorate. No provision has also been shown as to whether a grandson can be treated as a dependent family member for consideration of the prayer for compassionate appointment.

12. The law relating to compassionate appointment is very well settled. Compassionate appointment cannot be claimed as a matter of right. The same always flows from a Scheme. The same is an exception to the general rule of recruitment. No scheme has been placed before this Court relying on which any direction can be passed upon the authority on the prayer of the petitioner.

13. Moreover, the petitioner is not the son of the deceased employee. The petitioner happens to be the

grandson of the employee. The employee in question expired in the year 1966, when the father of the petitioner was nearly two years old. The father of the petitioner did not have a right to apply for compassionate appointment on the day of death of the employee.

14. There is no scope for reservation of vacancy while considering the case for compassionate appointment. Compassionate appointment is considered only for tiding over the immediate financial crisis faced by the family member of the deceased on the death of the sole bread winner. There is hardly any scope for showing any compassion to the petitioner in the absence of a Scheme and, that too, after such a long period after the death of the employee in the year 1966.

15. In view of the above, the writ petition fails and is hereby dismissed.

16. Parties to act on the basis of the server copy of this order duly downloaded from the official *website* of this Court.

17. Certified copy of this order, if applied for, shall be made available to the parties.

(Amrita Sinha, J.)