

S/L 12
25.06.2026
Court No.04
B.K.N

W.P.S.T. 77 of 2026
Smt. Rumna Jash Das
Vs.
State of West Bengal & Ors.

Mr. Monish Sen,
Ms. Oisani Mukherjee

...for the Petitioner.

Ms. Chandreyi Alam, Ld. AGP,
Ms. Kakali Dutta

...for the State.

1. Heard the learned advocate for the writ petitioner and the learned AGP.
2. The petitioner, a married daughter is claiming benefit of compassionate appointment based on the unfortunate demise of her mother long back, that is on 12.01.2012. She approached the West Bengal Administrative Tribunal ('Tribunal' for short) for such relief for the first time in 2014 whereafter the Tribunal passed an order dated 01.07.2015 in O.A. No. 516 of 2014 for the Director of Health Services to consider her claim. The claim is considered and rejected by an order dated 31.08.2015. The order relies upon the scheme governing claim for compassionate appointment by a daughter in vogue as on the date of unfortunate demise of the petitioner's mother, namely 4-Emp dated 04.11.2011. As per the said notification, married daughter was not entitled to such benefit.
3. The learned advocate for the petitioner submits that subsequently the Larger Bench of this Court held the

married daughter also entitled to grant of such benefit. *Prima facie* we are not impressed by such submission as the petitioner's claim was considered with reference to the provisions applicable at the time of her claim arose.

4. However, even if we were to take into consideration the subsequent judgment, the same would not inure to her benefit as the subsequent development contemplates that the married daughter should comply with the terms and conditions contained in the provisions incorporated in the scheme thereafter. The writ petitioner has not shown that she is qualified in terms of the subsequent provisions governing the claim of married daughter contained in a notification no. 251-Emp dated 03.12.2013 issued by the Labour Department.
5. At this juncture we also consider it apposite to take into consideration recent decision of the Hon'ble Supreme Court of India in the case of ***The State of West Bengal –Vs.- Debabrata Tiwari & Ors.*** reported in ***(2025) 5 SCC 712*** wherein the Hon'ble Apex Court emphasized the concept of immediacy insofar as a claim for compassionate appointment is concerned. Taking note of the concept of compassionate appointment to provide succor to the family left in penury due to sudden loss of the bread earner, the Hon'ble Apex Court held that it is not a benefit which can be claimed at any time.

6. In the present case the claim today relates to demise of the petitioner's mother in the year 2012. The claim as per the decision of the Hon'ble Apex Court in the case of ***Debabrata Tiwari & Ors.*** (*supra*) is also to be considered strictly in terms of the terms and conditions of the scheme for furtherance of the object of the scheme.
7. No such case is made out with reference to any scheme so as to substantiate the petitioner's claim in the present case we, therefore, find no reason to interfere with the order dated 13.06.2024 in O.A. 904 of 2016 passed by the Tribunal rejecting the petitioner's claim.
8. The writ petition is dismissed.
9. Urgent Photostat Certified copy of this order, if applied for, be supplied to the parties upon compliance with all necessary formalities.

(Madhuresh Prasad, J.)

(Biswaroop Chowdhury, J.)