

S/L 09
20.04.2026
Court No.04
B.K.N

W.P.S.T. 80 of 2026
Uttam Gharai
Vs.
The State of West Bengal & Ors.

Mr. Dinesh Pani,
Ms. Sulagna Sen

...for the Petitioner.

Mr. Tapan Kumar Mukherjee, Ld. AGP,
Ms. Tuli Sinha

...for the State Respondents.

1. Heard the learned advocate for the applicant/writ petitioner and the learned advocate for the State.
2. The writ petitioner's substantial claim for compassionate appointment is pending before the West Bengal Administrative Tribunal ('Tribunal' for short) in O.A. No.73 of 2026. The Tribunal is non-functional for want of any member. Claiming to be remediless in the circumstances, the writ petition is filed relying on decision of the Apex Court in the case of ***Roger Mathew –Vs.- South Indian Bank Limited represented by its Chief Manager and Others*** reported in ***(2020) 6 SCC 1***. We have, thus, proceeded to consider the writ petitioner's claim.
3. The writ petitioner claims to be son of a Government employee who died in harness on 01.12.1998. It is apparent from the records that the mother's claim for compassionate appointment was rejected on 28.08.2008. In the circumstances the writ petitioner approached the Tribunal by filing an Original Application twenty seven years after demise of his father.

O.A. No. 252 of 2025 was disposed of by the Tribunal by an order dated 24.07.2025 with a direction upon the Chief Medical Officer of Health, Nandigram Health District Nandigram, Purba Medinipur to consider the petitioner's prayer.

4. It is apparent from the records that the authorities thereafter were of the view that the petitioner did not approach them with the requisite documents in support of his claim, which issue is disputed by the petitioner. The learned advocate submits that documents have been submitted by the writ petitioner. Submission of such documents with respect to a claim for compassionate appointment made twenty seven years after demise of the Government employee is an issue sought to be reagitated by filing another Original Application seeking issuance of directions upon the respondents to comply with the order dated 24.07.2025 passed in the earlier Original Application.
5. We fail to understand the maintainability of such an Original Application. If at all the petitioner wanted the implementation of earlier order dated 24.07.2025 in O.A. No. 252 of 2025 he was required to take out appropriate application for implementation of the order or for contempt of the order. We do not appreciate filing of a successive Original Application for the same relief, when some orders for consideration of the petitioner's claim was already passed in the earlier O.A. 252 of 2025.

6. The learned AGP raises an issue regarding the claim otherwise also not tenable on the ground of delay in claiming compassionate appointment which delay itself is detrimental to the petitioner's claim.
7. We, therefore, find no merit in the present writ petition. The petitioner would be at liberty to avail of his remedy for implementation of the Tribunal's order dated 24.07.2025 in O.A. No. 252 of 2025 in accordance with law.
8. The writ petition is dismissed.
9. The Original Application before the Tribunal bearing O.A. No. 73 of 2026 is also dismissed as a consequence of the present order.
10. Urgent Photostat Certified copy of this order, if applied for, be supplied to the parties upon compliance with all necessary formalities.

(Madhuresh Prasad, J.)

(Prasenjit Biswas, J.)