

18th May, 2026
Item no.D/L 32
Court No. 18
Pradip, A.R.(Ct.)

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

Case No. **WPA 9901 of 2026**

In the matter of:
Smt. Nilima Biswas nee Dutta *Petitioner*
VS.
The State of West Bengal & Ors.*Respondents*

For the Petitioner:
Mr. Sabyasachi Hazra
Mr. Debarnab Sen*Advocates*

For the WBSEDCL:
Mr. Supriyo Chattopadhyay*Advocate*

1. Affidavit of service filed in Court today is taken on record.
2. The petitioner challenges the orders dated 24th February, 2022 and 4th March, 2022 rejecting her prayer for consideration of her case for compassionate appointment on the ground of delay.
3. The employee expired on 22nd December, 2012. The application for appointment on compassionate ground was made on 18th October, 2017 after more than five years of the death of the employee.
4. Learned advocate for the petitioner submits that the financial condition of the family of the deceased employee is extremely poor and the authority ought to consider the application on a sympathetic ground.
5. Learned advocate representing the West Bengal State Electricity Distribution Company Limited opposes the prayer of the petitioner.

6. It has been submitted that the application has been made long after the stipulated time period, that is, two years extendable upto five years. The petitioner applied beyond five years' time period.
7. The law relating to consideration of grant of compassionate appointment is very well settled. Such appointments are considered to tide over the immediate financial crisis faced by the family members of the deceased on the death of the sole bread earner.
8. In the instant case, the employee expired in February, 2012. Had the petitioner been in such financial crisis, then application for grant of compassionate appointment ought to have been made immediately thereafter. Such appointment cannot be claimed as a matter of right.
9. As per the scheme of compassionate appointment, application ought to have been made within two years of death of the employee, extendable up to the period of five years. Application made beyond the stipulated time period does not merit consideration and is liable to be rejected. The petitioner waited for more than five years to apply for grant of compassionate appointment. Compassion cannot be shown to the petitioner at such a delayed point of time. The very purpose for showing compassion will get frustrated if application made beyond the stipulated period is directed to be considered by the authority contrary to the scheme.
10. The Court does not find any error on the part of the respondent authority in rejecting the application of the petitioner on the ground of delay.
11. In view of the above, no relief can be granted to the petitioner in the instant writ petition. The writ petition fails and is hereby dismissed.

12. Parties to act on the basis of the server copy of this order duly downloaded from the official *website* of this Court.
13. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)