

S/L 01
15.05.2026
Court No.04
B.K.N

W.P.S.T. 100 of 2026
Basudev Saren
Vs.
The State of West Bengal & Ors.

*Mr. Sounik Ghosh,
Mr. Pradip Saren,
Ms. Saheli Hembram*

...for the Petitioner.

1. Heard the learned advocate for the applicant/writ petitioner.
2. The brief facts leading to filing of the present writ petition is that the present applicant's father died while in harness in the year 2007. The petitioner's mother made a belated application for compassionate appointment which was rejected on 15.12.2014. An Original Application was filed assailing the rejection before the West Bengal Administrative Tribunal (Tribunal for short), bearing O.A. No. 758 of 2015. The same was disposed of by an order dated 30.04.2024 directing the respondents for reconsidering the petitioner's claim.
3. The Tribunal's order directs for reconsideration, without quashing/setting aside the rejection order dated 15.12.2014. The authorities, however, were taking steps for consideration. The Deputy Secretary to the Government of West Bengal in the Labour Department by a communication dated 04.12.2024 took a view based on an enquiry report submitted by the Chief Medical

Officer of Health that the delayed submission of her application would not come in the way of consideration of her claim. He was of the view that the delay may be condoned and claim for compassionate appointment be disposed of.

4. After the petitioner's mother's claim was directed to be considered, the petitioner approached the Tribunal by filing an Original Application bearing O.A. No. 270 of 2025 claiming that his case should now be considered since the mother has attained an age of nearly 58 years. The claim was made based on an application dated 28.06.2024 submitted by his mother, before the Authorities.
5. When the matter was being considered by the Tribunal, the authorities produced the communication dated 04.12.2024 issued by the Deputy Secretary to the Government of West Bengal and the consequential communication dated 03.01.2025 for conduct of medical examination of the petitioner's mother to ascertain fitness for Government service.
6. Since the petitioner's mother's claim for compassionate appointment, though belated was being processed in compliance of the Tribunal's earlier order dated 30.04.2024 passed in O.A. No. 758 of 2015, the Tribunal held the application made by the son to be unsustainable.
7. It is submitted by the learned advocate for the applicant/writ petitioner that since the mother had

attained the age of 58 years, she requested the authorities by letter dated 28.06.2024, to consider the writ petitioner's claim in her place. The Tribunal, therefore, has wrongly considered the petitioner's case to be infructuous on account of the communications dated 04.12.2024 and 03.01.2025 for processing his mother's claim for compassionate appointment.

8. In view of the above noted facts, submissions advanced on behalf of the writ petitioner, we find that a belated application for compassionate appointment based on demise of the writ petitioner's father in the year 2007 was directed to be considered by the Tribunal on 30.04.2024 (O.A. No. 758 of 2015). The authorities also proceeded in compliance of the order of the Tribunal. The beneficiary of the order (wife of deceased Government employee), however, was no longer interested in the claim.
9. The petitioner thereafter has staked his claim to the appointment as if the compassionate appointment is a mode of recruitment which can be claimed by anyone at any point of time. The law in fact is to the contrary that the concept of compassionate appointment is to be guided by the concept of immediacy. The compassionate appointment is to enable dependents/legal heirs of a Government employee left in penury and destitute to tide over the crisis due to sudden loss of the bread earner. In this connection we consider it apposite to refer decision of the Hon'ble Apex Court in the case of ***The State of***

West Bengal –Vs.- Debabrata Tiwari & Ors.

reported in ***(2025) 5 SCC 712.***

10. In the present case a claim for compassionate appointment is now being raised by the son in the year 2025 when the father had passed away in the year 2007 despite the fact that authorities proceeding to consider the mother's belated claim, and she has chosen not to avail the benefits. We find no infirmity in the decision of the Tribunal.
11. The writ petition is dismissed.
12. 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.)