

20<sup>th</sup> January, 2026  
(D/L No.18)  
Ct. No.4  
(SKB)

**W.P.S.T.95 of 2025**

Ravi Das  
Versus  
State of West Bengal and others

Mr. Sankha Ghosh,  
Mr. Biswarup Nandy,  
Mr. G. Halder  
... for the petitioner.

Mr. Tapan Kumar Mukherjee, Id. AGP,  
Ms. Sangeeta Roy  
... for the State.

1. Heard the learned advocate for the writ petitioner and the learned AGP. The petitioner's father died in harness on 12.03.2016. An application was submitted for compassionate appointment of the writ petitioner/applicant (son of the deceased). The application on proforma was stated to have been submitted on 12.05.2016. The petitioner's claim has been rejected by an order dated 20.07.2023 on the ground that the petitioner "*applied for appointment on compassionate ground after a lapse of nearly 2 years 8 months from the date of expiry of the ex-employee, which was needed to be submitted within 2 years from the expiry of the ex-employee.....*". It is this order which

was the subject matter of the proceeding before the West Bengal Administrative Tribunal (in short 'Tribunal') in O.A. 18 of 2024, filed by the writ petitioner.

2. The petitioner also sought consequential direction for compassionate appointment being offered. The Tribunal has rejected the petitioner's claim finding no merit. The order of the Tribunal dated 24.04.2025 is put to challenge in the present writ proceeding.
3. The affidavits have been exchanged and we have heard the learned advocates representing the parties.
4. The learned advocate for the petitioner submits that the order of rejection is unsustainable. The petitioner had applied well within time. The application was made on the proforma and, therefore, a plea taken by the authorities to reject the petitioner's claim since proforma application was made more than two years after expiry of the ex-employee, is unsustainable.
5. The learned AGP, on the other hand, submits that the order dated 20.07.2023 impugned before the Tribunal requires no interference. The authorities while considering the petitioner's claim have found discrepancy in

the application submitted, which is apparent from a communication dated 28.02.2025 (Annexure R/2 to the opposition). Referring to this communication, it is submitted that the authority was of the view that an application submitted on 20.11.2018 was tampered and a new date inscribed therein to claim that the application was submitted on 12.05.2016. The conclusion of the Additional Director contained in the impugned order dated 20.07.2023, therefore, requires no interference.

6. Upon consideration of the rival submissions and on going through the records, we are unable to accept the submission of the learned AGP.
7. The communication dated 28.02.2025 wherein the Additional Director has raised an apprehension regarding an antedated application based on tampering, appears to be unsustainable from reading of the letter dated 28.02.2025 itself. The Additional Direction in the very same communication has taken note of the fact that office, where the petitioner submitted his application, is perhaps not accepting the tampering.

8. From the records we find that a plea of tampering raised in the affidavit-in-opposition is not sustainable. Our conclusion is founded on contemporaneous documents issued by the authority itself. The petitioner's claim being submitted on a proforma application on 20.11.2018 appears to be substantiated by a communication dated 10.11.2016 bearing Memo No.9448 issued by the Deputy Superintendent of the Hospital. He has stated about the application being made on a proforma. However, the same was lacking in certain details. It is nobody's case that no proforma application was submitted on 12.05.2016, rather petitioner's assertion is substantiated by the communication dated 10.11.2016.
9. The very premise of rejection of the petitioner's claim in the impugned order that an application was submitted after two years, therefore, is unsustainable from the records/pleadings of the parties. The order of the Additional Director dated 20.07.2023, is, therefore, unsustainable and the same is hereby quashed. As a consequence of quashing of the order dated 20.07.2023, the conclusion of the Tribunal in its order dated

24.04.2025 passed in O.A. No.18 of 2024 are also unsustainable. We, therefore, set aside the order of the Tribunal.

10. The respondent no.2 being the Principal Secretary, Health & Family Department, Government of West Bengal, in these circumstances, is required to reconsider the petitioner's claim without raising an issue of application being filed belatedly. We, however, clarify that if any further relevant information is required, needless to say, the writ petitioner would cooperate and facilitate consideration in accordance with law under the extant scheme. Let the respondent no.2 undertake an exercise of consideration within the time limit set out in 26-Emp. dated 01.03.2016 issued by the authorities.
11. The writ petition is, thus, allowed in these terms.

**(Madhuresh Prasad, J.)**

**(Prasenjit Biswas, J.)**