

Dd 1 23.02.2026

WPA/18194/2024

**DEBOLINA SARKAR
VS
THE STATE OF WEST BENGAL AND ORS.**

*Mr. Tarunjyoti Tewari,
... .. For the Petitioner*

*Mr. Rajarshi Basu,
Mr. Anirban Dutta,
... .. For the State*

The petitioner seeks compassionate appointment. Her claim was, however, rejected by the State by an order dated February 15, 2024, on the ground that the application in the prescribed form had been submitted belatedly.

The relevant portion of the impugned order is reproduced below:-

"I am directed to refer to your Memo. No. 962/P&RD, dtd. 29.05.2023 on the above mentioned subject and to inform you that this Department conveys its inability to accede to the proposal for appointment on compassionate ground in die-in-harness category in favour of Smt. Debolina Sarkar D/o. Late Sefali Sarkar (Biswas), Ex.-G.P. Karmee of Bikrampur G.P. under Nakashipara Dev. Block, Dist. -Nadia, W.B., on the ground of late submission of proforma application by the applicant (more than 03 years 02 months from the death of her mother) as per provisions laid down in the Notification No.301-Emp/1M-10/2000, dtd.

21/8/2002, Notification No. 251 Emp dtd. 03.12.2013, Notification No.26 Empt dtd.01.03.2016, U.O. No. 46 Emp. dtd. 07.07.2022 of Labour Department and this Deptt's Memo No.4097/PN/O/III/2A-63/2014 Dtd. 29.09.2014."

The facts which are not in dispute are as follows: the mother of the petitioner was an employee of the Gram Panchayat under the Nakashipara Development Block, District Nadia. She died in harness on 24.11.2019 at the age of approximately 52 years.

Immediately following her death, the petitioner submitted an application to the concerned Gram Panchayat, the Block Development Officer, as well as the District Magistrate on 26.11.2019. Based on this application, a three-member Inquiry Committee was appointed. The Committee, in its report dated 18.07.2022, recommended the name of the petitioner for compassionate appointment.

The Panchayat and the Rural Development Department, however, declined to accept the Committee's recommendation on the ground of delay, as noted above. Learned counsel for the State submits that the petitioner submitted her application for compassionate appointment in the prescribed form on 15.02.2023.

This Court is of the view that when the respondent authorities considered the petitioner's case on the basis of her application dated 26.11.2019 and appointed an Inquiry Committee, the State cannot subsequently refuse to consider the petitioner's claim on merit merely on the ground that the proforma application was submitted at a later date.

Accordingly, the impugned order dated 15.02.2024 is set aside. The Panchayat and the Rural Development Department are directed to consider the petitioner's case on its merits, disregarding any delay in submission of the application in the prescribed form. Such exercise shall be completed within a period of two months from the date of communication of this order. If the petitioner is found otherwise eligible, appropriate steps shall be taken for her compassionate appointment.

WPA/18194/2024 is accordingly disposed of.

(Kausik Chanda, J.)