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jdt. 09.04.2026
jb.

WPA 20858 of 2024
(Binoy Sardar vs. State of West Bengal & Ors.)

Mr. Kamalesh Bhattacharyya
Mr. Aninda Bhattacharyya
.... **For the Petitioner**
Mr. Amal Kr. Sen
Mr. Lal Mohan Basu
.... **For the State**

Report in the form of affidavit submitted by the State is taken on record.

The petitioner has assailed the communication made by the Assistant Secretary to the Government of West Bengal on 5th June, 2023 turning down the prayer for compassionate appointment on the ground of late submission of proforma application by him.

The petitioner's father Ashoke Kumar Sardar who was a Gram Panchayat Karmee in Habibpur Gram Panchayat died in harness on 23rd May, 2019. The petitioner made an application in plain paper before the District Magistrate, Nadia for appointment on compassionate ground on 22nd August, 2019. A formal legal heir certificate was issued in favour of the surviving heirs of the deceased employee by the Collector, Nadia by an order passed on 19th December, 2019. An application in prescribed format was submitted by the petitioner on 12th September, 2019 which was recommended by a three-member enquiry

committee following which the claim for appointment was accepted by the appointing authority/Block Development Officer, Ramnagar I Development Block. The matter was forwarded to the Assistant Secretary to the Government of West Bengal who by the order impugned, rejected the prayer on the ground that the proforma application was submitted by the applicant after more than 3 years and 3 months from the date of death of the employee.

The Hon'ble Division Bench of this Court has dealt with a similar issue in WPST 36 of 2025. By an order passed on 23rd February, 2026 the Hon'ble Division Bench of this Court has referred to the notification no. 26-Emp dated 1st March, 2016 which states that an application for compassionate appointment in prescribed format should be submitted within two years from the date of death of the employee.

The Hon'ble Court has referred to Clause 10(bb) of the said notification which enumerates the following:-

“The concerned authority in the department/office should meet the members of the family of the deceased Govt. servant immediately after his death to advise and assist them in getting appointment on compassionate ground. The applicant should be called in person at the very first stage and should be advised in person about the requirement and formalities to be completed by him. A record of

such meeting should be kept with the office of the controlling authority and appointing authority.”

The Hon’ble Court came to a conclusion that once the application was made within the requisite time, completion of the requisite formalities including the submission of proforma application was required to be followed up by the authorities under Clause 10(bb) of the 2026 Emp. The same not being done, rejection of the petitioner’s claim was not sustainable.

In view of the above, this Court is inclined to hold that since the application in plain paper was submitted by the petitioner within due time despite which Clause 10 (bb) of the 2016 notification was not complied with by the concerned authority following submission of such application, the authority could not have turned down the prayer of the petitioner solely on the ground of belated submission of the proforma.

Accordingly, the order impugned dated 5th June, 2023 passed by the Assistant Secretary to the Government of West Bengal is set aside/quashed. The Assistant Secretary to the Government of West Bengal, Panchayat and Rural Development Department, being the 6th respondent herein, shall revisit the issue in the light of the observation made by this Court in this order as well as the observation of the Hon’ble Division Bench in WPST 36 of 2025 and shall grant the benefit of

compassionate appointment in favour of the petitioner within four weeks from the date of communication of this order. It is pertinent to record that no other reason was assigned by the authority in rejecting the prayer of the petitioner.

The application is thus disposed of.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)