

S/L 30
19.01.2026
Court No.04
B.K.N

W.P.S.T. 196 of 2025
Sri Ujjwal Mahata
Vs.
The State of West Bengal & Ors.

Mr. Sanjib Das,
Mr. Sandhya Kumari

... for the Petitioner.

Mr. Amal Kumar Sen, Ld. AAG,
Mr. Amitava Chaudhuri

... for the State.

1. The petitioner's father died while in harness on 24.06.2017. An application for appointment on compassionate ground was submitted by his wife in favour of the petitioner (son) on 17.08.2017. The petitioner's claim for compassionate appointment was rejected by the authority (The Joint Secretary of the Public Works Department) by a communication dated 19.07.2023. The same was put to challenge by the petitioner before the West Bengal Administrative Tribunal (Tribunal for short) by filing O.A. No. 61 of 2025. The Tribunal has disposed of the Original Application by its order dated 07.08.2025 without interfering with the order dated 19.07.2023 rejecting the petitioner's claim for compassionate appointment. The petitioner has assailed the order of the Tribunal dated 07.08.2025 passed in O.A. 61 of 2025 by way of the present writ proceeding.
2. The learned advocate for the petitioner submits that the application was submitted on a plain paper within two

months from the date of demise of the deceased government servant seeking compassionate appointment in favour of the writ petitioner. The rejection, therefore, is not sustainable. He submits that insistence on a proforma application is not sustainable. Once the petitioner had submitted a plain paper application, the death having occurred after issuance of 26-Emp dated 01.03.2016, it was incumbent upon the concerned authority to render assistance to the petitioner's family by giving advice and assistance in getting the appointment. It was the duty of the authorities to advise the petitioner's family about the requirement and formalities to be completed by them. The same having not been done the petitioner's application could not be rejected, for non-fulfillment of formalities.

3. Mr. Sen, learned AAG submits that the application contemplated under the scheme is an application on the prescribed proforma. No such application was submitted within the time limit is specified (2 years). The petitioner's claim was, therefore, rightly held to be belated by the impugned order.
4. Upon consideration of the rival submissions and on going through the notification no. 26-Emp dated 01.03.2016 we find that a revised provision 10(bb) was added to the earlier notification by 251-Emp dated 03.12.2013 in the following terms:

“10(bb) [new clause] added to notification No. 251-Emp dated 03.12.2013.

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 them. A record of such meeting should be kept with the office of the controlling authority and appointment authority.”

5. In view of addition of this new clause in the circular governing application and appointment on compassionate grounds, we find that the same cast an obligation on the concerned authority to immediately advise and assist the family of the deceased government servant for obtaining compassionate appointment. The authority was required to advise the family about the requirement and formalities to be completed by the family.
6. Since there is nothing on record to show that the authorities have complied with the requirement enshrined in Clause 10(bb) we find that it does not lie in the mouth of the respondent authorities to contend that for non-fulfillment of the formalities, the claim is to be rejected.
7. We, therefore, are of the view that the order passed by the Joint Secretary, Public Works Department on 19.07.2023 bearing Memo No. 268-PW/O/Works(ECG)-5P-24/2023 is not sustainable. The same is quashed. The order of the Tribunal dated 07.08.2025 passed in O.A. No. 61 of 2025, therefore,

must also collapse. The order is set aside. We remand the matter to the competent authority.

8. Since now the proforma application containing all details to facilitate consideration of the petitioner's claim is submitted before the authorities, which is not in dispute today, let the same be considered in accordance with the Rules/Circular in vogue without raising an issue of the same being belated. Let consideration be accorded within eight weeks from the date of receipt/production of a copy of this order. The consideration must be completed by a reasoned and speaking order to be issued within the time frame specified.
9. The writ petition stands allowed in these terms.
10. 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.)