

23rd June, 2026
(D/L No.26)
Ct. No.4
(SKB)

W.P.S.T. 186 of 2024

Somnath Deb
Versus
The State of West Bengal and others

Mr. Anindya Bose,
Mr. Golam Mohiwddin,
Md. Kaif Hossain,
Ms. Raina Das
... for the petitioner.

Mrs. Chandreyi Alam, Id. AGP,
Ms. Kakali Dutta
... for the State.

1. Heard the learned advocate for the writ petitioner.
2. The writ petitioner was an applicant before the West Bengal Administrative Tribunal (in short 'Tribunal') in O.A. No.188 of 2020, substantially raising a claim for compassionate appointment challenging an order dated 19.12.2016, passed by the Joint Secretary, Public Works Department rejecting the petitioner's claim, which was filed merely four years after rejection of the petitioner's claim.
3. Thereafter one M.A. was filed bearing M.A. No.15 of 2024 seeking condonation of delay in filing the Original Application, which was rejected by the Tribunal by an impugned order dated 10.06.2024.

4. We have heard the learned advocate representing the writ petitioner and the learned AGP.
5. The facts which are not in dispute that the petitioner's father died while in harness on 29.07.2005. The petitioner approached the Tribunal earlier by filing an Original Application in the year 2016 bearing O.A. No.490 of 2016 claiming the benefit of compassionate appointment.
6. Without entering into the merits of the claim, the Tribunal disposed of the original application giving a direction upon the respondents to consider the petitioner's claim. The order of the Tribunal is dated 16.08.2016. Pursuant thereto the impugned order dated 19.12.2016 was issued by the Joint Secretary. The Joint Secretary has taken note of the fact that the petitioner did not produce any document in support of his claim that any application for compassionate appointment was submitted prior to invoking the Tribunal's jurisdiction in O.A. No.490 of 2016.
7. The authority further took note of the fact that at the time of unfortunate demise of the petitioner's father, the spouse of the deceased (petitioner's mother) was a government employee under the Public Works Department,

who served till 30.01.2014. The authority has taken note of these facts, examined the family income rejected the claim of the writ petitioner raised after an inordinate delay of more than a decade after demise of the petitioner's father.

8. The present O.A. has been filed another four years after rejection of the claim by the Joint Secretary. The present O.A. does not dispute the factual aspects recorded in the order dated 19.12.2016 that the petitioner could not produce any earlier applications seeking benefit of compassionate appointment or that his mother was a government employee at the time of his father's demise until 30.01.2014.
9. Petitioner's family income, therefore, included salary of a Group-D employee, family pension plus interest accrued on other death benefits, which clearly exceeded the requisite family income for being considered in penury so as to the benefit of compassionate appointment. Even in the facts gone into by the Tribunal, we find that the petitioner would not be able to substantiate any claim. In fact, we are inclined to observe that the claim apparently lacks *bona fide* for the reasons that it has been raised more than a decade after demise of the petitioner's father and only after his mother retired from government service.

10. However, having considered the claim as above, we find no infirmity in the order of the Tribunal rejecting the petitioner's claim which has been barred by limitation. This court is not inclined to exercise extra ordinary discretion and equitable jurisdiction under Article 226 of the Constitution of India in favour of such a writ petitioner.

11. The writ petition is, thus, dismissed.

(Madhuresh Prasad, J.)

(Biswaroop Chowdhury, J.)