

W.P.S.T. 202 of 2025
Payel Chattopadhyay
Vs.
The State of West Bengal & Ors.

Mr. Ranajit Chowdhury,
Mr. Sudipto Chowdhury,
Ms. Sampurna Saha

...for the Petitioner

Ms. Chandreyi Alam, Id. A.G.P.,
Ms. Runu Mukherjee

...for the State

1. Heard the learned advocate for the petitioner and the learned A.G.P.
2. The present writ petition is filed assailing an order dated 19.06.2025, passed on the present writ petitioner's Original Application bearing O.A. No. 669 of 2024 by the West Bengal Administrative Tribunal ('Tribunal' for short).
3. The facts leading to the filing of the Original Application is based on demise of the writ petitioner's father on 14.07.2013. The father died while in harness working as an Assistant Sub-Inspector in the Police Force. Two months thereafter, the writ petitioner claims that her mother had made an application for appointment of the present petitioner on compassionate ground, which came to be rejected on 31.01.2014. The rejection at that point of time was on the ground that since the petitioner was married long prior to demise of the Government servant, she is

not entitled to get the benefit of compassionate appointment as per the policy invoked at that point of time.

4. We make it clear that this order of rejection dated 31.01.2014 is not assailed by the present writ petitioner. An Original Application thereafter came to be filed, which is rejected and forms the subject matter of the present writ petition.
5. The learned advocate for the writ petitioner submits that prior to filing of the present Original Application, the petitioner earlier also moved the Tribunal by filing an O.A. in the year, 2023. After rejection of the Original Application bearing O.A. No. 70 of 2023, the order passed therein was put to challenge by filing a writ petition. A Co-ordinate Bench of this Court disposed of the writ petition bearing W.P.S.T. No. 154 of 2024 with a direction to the respondent authorities to consider the petitioner's claim.
6. It is submitted by the learned advocate for the writ petitioner that the Special Commissioner to the Government of West Bengal in Home & Hill Affairs Department thereafter rejected the petitioner's claim on 29.11.2024, which rejection is unsustainable. He submits that in view of the decision of the Special Bench of this Court in the case of ***The State of West Bengal & Ors. Versus***

Purnima Das & Ors. reported in **2017 SCC OnLine Cal 13121** rejection of the petitioner's claim on the ground of her being a married daughter, is unsustainable. He has taken us through the Judgement to submit that the Special Bench held that such exclusion of a married daughter is unsustainable and therefore, the authorities were required to consider the petitioner's claim, despite the fact that she was a married daughter.

7. He has also drawn attention of the Court towards recommendation of the Three-Member Committee constituted to look into the petitioner's claim. The Committee by its report dated 18.10.2024, submitted an opinion that the petitioner's claim was required to be considered for employment on compassionate ground. The report of the Committee, therefore, sustains and supports of petitioner's claim and rejection of the claim by the Special Commissioner by the order impugned before the Tribunal was unsustainable.
8. The Tribunal has glossed over the decision of the Special Bench in the case of **The State of West Bengal & Ors. Versus Purnima Das & Ors.** and fallen in error by upholding the rejection of the petitioner's claim on the ground that she is a

married daughter and, therefore, not entitled the benefit of compassionate appointment.

9. The learned State advocate on the other hand submits that the Tribunal has rejected the petitioner's claim on the ground of delay, since the first Original Application was filed in 2023, a decade after demise of the writ petitioner's father. She further submits that Special Commissioner has accorded due consideration and found the petitioner's claim inadmissible after a due consideration of her claim with reference to eligibility for compassionate appointment under the Scheme.
10. We have considered the rival submissions.
11. The first Original Application asserting the petitioner's claim for compassionate appointment was filed more than a decade after the demise of the petitioner's father. This fact is apparent from the records and is an undeniable position.
12. Insofar as the submission of the learned advocate for the writ petitioner that the writ petitioner's claim could not be excluded having regard to the decision of the Special Bench, we are in agreement with such submission as decision of the Special Bench, a larger Bench, lays down an undeniable proposition which is binding on this Court.

13. Having observed so, we proceeded to consider the report of the Three-Member Committee dated 18.10.2024, and the order of the Special Commissioner dated 29.11.2024.
14. We find the submission made by the learned advocate for the petitioner that the Committee recommended that the petitioner's claim may be considered, to be correct.
15. We further find that as a result of such report of the Three-Member Committee, the petitioner's claim was actually considered. It is not a case where the petitioner's claim was excluded from consideration on the ground that she was a married daughter. The Special Commissioner proceeded to consider the claim of the writ petitioner, a married daughter, as the authority would consider the claim of any other dependant under the Scheme. A plea of discrimination or that the petitioner's claim was excluded despite decision of the Special Bench in the case of **Purnima Das** (*supra*), therefore, is factually and legally misconceived and unsustainable.
16. The petitioner's claim was accorded due consideration along with the report. The entire facts were considered by the Special Commissioner. The Special Commissioner after due consideration recorded finding that the writ

petitioner's husband was working as an Assistant Teacher in a Government aided High School and drawing a salary of ₹.70,052/- per month at the time of passing of the order by the Special Commissioner. The Special Commissioner recorded a specific finding regarding there being no financial stringency, so as to consider the petitioner's claim as eligible for the purpose of grant of compassionate appointment.

17. The Special Commissioner also took into consideration that the concept of compassionate appointment was to provide immediate succour to the family left in destitute on account of the demise of the Government employee in harness. A belated claim made by the writ petitioner, a decade after demise of her father, was also considered by the Special Commissioner as a ground to reject the petitioner's claim.
18. Both these grounds in our opinion are born from the records.
19. We have gone through the Original Application bearing O.A. No. 669 of 2024, wherein and whereby the Special Commissioner's order of rejection dated 29.11.2024, was challenged by the writ petitioner. The same does not deny or dispute the finding regarding the petitioner's husband being employed as an Assistant Teacher in

Government aided High School; and the fact that he was drawing a salary of ₹.70,052/- per month. There is no averment in the O.A. that the writ petitioner was otherwise abandoned by her husband or that she was not a beneficiary of the salary being drawn by her husband.

20. Under the circumstances, the finding of the Special Commissioner in the order dated 29.11.2024, in this regard stands undisputed. Thus, this ground in itself is sufficient to sustain the rejection of the petitioner's claim.
21. As noted above, the claim is also belated and, therefore, is not in accord with the concept of compassionate appointment, granted with the object of tiding over the crisis arising out of immediate loss of the bread earner.
22. In the above facts and circumstances, we find no reason to interfere with the order dated 19.06.2025 passed by the Tribunal in O.A. No. 669 of 2024 rejecting the petitioner's claim.
23. The Writ Petition is dismissed.

(Madhuresh Prasad, J.)

(Prasenjit Biswas, J.)