

W.P.S.T. 235 of 2025
Sujay Kumar Biswas
Vs.
The State of West Bengal & Ors.

Ms. Pampa Dey (Dhabal),
Mr. Pritam Sarkar

...for the Petitioner

Mr. Amal Kr. Sen, Id. A.A.G.,
Mr. Sabyasachi Mondal

...for the State

1. Heard the learned advocate for the petitioner and the learned A.A.G. representing the State.
2. The petitioner's claim for compassionate appointment was rejected by a reasoned order dated 30.05.2024, issued under the signature of the Secretary to the Government of West Bengal in the Public Works Department. The rejection is in the following terms:

"In view of the above representation dated 30.08.2022 of Sri Sujay Kumar Biswas has been scrutinized in the light of the Notification Nos. 251-Emp. dated 03/12/2013, 26-Emp. Dated 01.03.2016 and 165-Emp. dated 04.06.2015 of the Labour Department, Government of West Bengal and the representation dated 30.08.2022 has been considered, but rejected on the following grounds:

(i) The applicant had submitted the proforma application after more than 2 years from the date of death of the deceased employee.

(ii) As per policy taken by the Public Works Department on 23.12.2019, relaxation in educational qualification is not considered in order to ensure that only suitable candidates

are offered appointment as a large number of candidates are in the Queue.”

3. It is submitted by the learned advocate for the writ petitioner that the petitioner’s claim was rejected merely for the fact that the application was not made on a prescribed proforma. The fact of application having made on a plain paper is not in dispute. The West Bengal Administrative Tribunal (‘Tribunal’ for short), therefore, has wrongly rejected the petitioner’s claim by the order dated 07.08.2025 passed in O.A. No. 345 of 2024.
4. It is pointed out by the learned advocate for the writ petitioner that whether a claim can be rejected merely due to non-submission of a proforma application, was considered by this Court in W.P.S.T. No. 36 of 2025, wherein the Court held as follows:

“26. In a case where the plain paper application is submitted within time and the authority is conscious of such request from the dependents of a Government servant, left in penury due to sudden loss of the bread earner, Clause 10(bb) of 26-Emp. assumes significance. In such a situation, if the authorities have not discharge their responsibility of meeting the family members earlier, then at least after making an application on plain paper, they should immediately meet and/or advice and assist the dependents in availing the benefit of

compassionate appointment, subject to eligibility.

.....

28. Thus, being the case, the petitioner/applicant for compassionate appointment cannot be turned away by assigning a reason that the proforma was not submitted within time.

29. Once the application was made within the requisite time, completion of the requisite formalities including submission of proforma application was required to be followed up by the authorities under Clause 10(bb) of the 26 Emp. The same having not done, we find rejection of the petitioner's claim by the Joint Secretary and communication in this regard dated 11.04.2023 to be unsustainable.

30. The rejection order is hereby quashed. The matter is remitted to the respondent no.1 for re-examining the petitioner's claim without raising an objection regarding non-submission of proforma within a specified time frame. Subject to fulfillment of other criteria, the petitioner's claim should be examined and after such consideration if he is found eligible then he should be given the benefit of compassionate appointment. If he is found ineligible, then he is entitled to know the reasons for such rejection which should be communicated to the writ petitioner by a reasoned and speaking order.

31. The entire exercise is required to be completed within 8 weeks from the date of receipt/production of a copy of this order before the respondent no.1. It is needless to say that the petitioner would be obliged to

extend full cooperation for completion of the consideration within the timeframe.”

5. Being faced with such judgement of a Coordinate Bench, the learned Additional Advocate General submits that the claim nonetheless is required to be considered on its merits.
6. Considering the rival submissions, having regard to the judgement of this Court in W.P.S.T. No. 36 of 2025, extracted above, we remit the matter for reconsideration to the respondent no.1. The consideration is to be accorded without raising an objection regarding non-submission of an application for compassionate appointment on the prescribed proforma.
7. For enabling consideration afresh, the order of the Tribunal dated 07.08.2025 passed in O.A. No. 345 of 2024 is set aside.
8. The earlier order of the Secretary dated 30.05.2024 is also quashed.
9. Let a final decision be taken by the Principal Secretary/Secretary within a period of eight (08) weeks from the date of receipt/production of a copy of this order.
10. The Writ Petition is allowed in these terms.

(Madhuresh Prasad, J.)

(Prasenjit Biswas, J.)