

W.P.S.T. 243 of 2025

**Shilpi Sarkar
VS.
The State of West Bengal & Ors.**

Mr. Uday Sankar Chattopadhyay,
Mr. Pronay Basak

...for the Petitioner

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

...for the State

1. Heard the learned advocate for the petitioner as well as the learned advocate for the respondents.
2. The petitioner is aggrieved by an order dated 10.07.2025, passed by the West Bengal Administrative Tribunal ('Tribunal' for short) rejecting the petitioner's Original Application. By the Original Application, the writ petitioner daughter of a Government servant, who died in harness on 13.08.2001, has substantially sought the benefit of compassionate appointment by filing an Original Application in the year 2023. The order of the Tribunal dated 10.07.2025 in O.A. No. 677 of 2023 is put to challenge in the present writ proceeding.
3. The facts not in dispute are that the petitioner's father died while in harness on 13.08.2001 while he was working as a Fire Operator under the West Bengal Fire & Emergency Services. The records reveal that the present writ petitioner's mother

(wife of deceased) applied for a compassionate appointment in February 2002. The petitioner's mother was issued a provisional appointment letter by the authorities on 08.10.2007. A perusal of the letter shows that it was a provisional appointment letter, wherein the verification roll was enclosed to be filled up and returned by the petitioner's mother. More than a month thereafter, the petitioner's mother wrote a letter to the respondent authorities that she was 47 years old and therefore, her services will continue only for a short period. Under such circumstance, she requested the authorities to provide the said post to her daughter in her place.

4. The fact, therefore, emerging from the record is that the petitioner's mother, though was offered the appointment on compassionate grounds, refused to accept the same and wanted the same to be transferred to her daughter.
5. The State in the opposition has taken a stand that the benefit of compassionate appointment was not transferrable.
6. The learned advocate for the writ petitioner submitted that the present case is not a case of transfer of an appointment. According to the learned advocate for the writ petitioner, the letter dated 08.10.2007 is not an appointment letter.

Since, no appointment letter/offer was issued, there is no question of transfer of an appointment. In support of such submission, he relied upon a decision of the Co-ordinate Bench in the case of ***the State of West Bengal & Ors. Vs. Susanta Dangar***. The Judgement is dated 11.02.2025 passed in ***W.P.S.T. 1 of 2025***.

7. The learned State advocate on the other hand has opposed the prayer reiterating the stand before the Tribunal and also stating that grant of a compassionate appointment twenty five (25) years after demise of the employee in harness, is opposed to the concept of immediacy in the matter of grant of compassionate appointment, to tide over the sudden crisis arising out of the loss of the bread earner.
8. We have considered the rival submissions and perused the records.
9. We find no force in submission of the learned advocate for the writ petitioner that the petitioner's mother was not given an appointment. The letter dated 08.10.2007 is an appointment letter, but provisional since a verification roll was required to be submitted. Therefore, the submission that an appointment was not offered is factually incorrect. Therefore, we find no scope for the petitioner to rely upon decision of the Co-

ordinate Bench in the case of **Susanta Dangar** (*supra*).

10. Another aspect which this Court is required to take into consideration is the fact that the Apex Court recently in the case of **State of West Bengal Vs. Debabrata Tiwari & Ors.** reported in **(2025) 5 SCC 712**, has reiterated the settled law emphasising the concept of immediacy in the matter of grant of compassionate appointment. The law has been reiterated that compassionate appointment is not a source of recruitment. It is granted in exception to the rule for a specific purpose to ameliorate the sudden crisis in the family of the deceased Government employee. The appointment, therefore, is to be granted in furtherance of such objective and is not another source of recruitment to be availed at any point of time. Being guided by the decision of the Apex Court in the case of **Debabrata Tiwari**, which is binding on this Court, we are of the view that there is no scope for granting such benefit of compassionate appointment, twenty five (25) years after demise of the employee in harness.
11. We, therefore, find no reason to interfere with the order dated 10.07.2025 passed by the Tribunal in O.A. 677 of 2023 rejecting the Original Application.

12. The Writ Petition is dismissed.

(Madhuresh Prasad, J.)

(Prasenjit Biswas, J.)