

18.03.2026
Sl. No.10
tkm

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

W. P. A. 374 of 2026

[Ritukana Sarkar -Vs- State of West Bengal & Ors.]

Mr. Aninda Bose
Mr. Santanu Maji
Mr. Jogesh Ch Roy
... .. for the petitioner

Mr. Hirak Barman
Mr. Bikash Singha
... for the State

1. The affidavit of service is taken on record.
2. The petitioner has preferred the present petition challenging the order dated 27.3.2023 passed by the Joint Secretary, Public Works Department, Government of West Bengal whereby the claim of the petitioner for appointment on compassionate ground has been rejected.
3. Learned counsel for the petitioner submits that the petitioner's father was employed as workman in the Darjeeling Electrical Division, Siliguri, and was appointed on 25.11.1993. He died in harness on 7.6.2019.
4. It is submitted that upon his death, death-cum-retirement benefits were released in favour of the petitioner's mother who is also receiving family pension. However, the application of the petitioner for

compassionate appointment has been rejected solely on the ground that the petitioner's father was appointed under work charged establishment and his service was not brought under regular establishment before his death. Being aggrieved by the said rejection, the petitioner has preferred the present writ petition.

5. Learned counsel for the petitioner has drawn the attention of this Court to the list of employees issued by the Superintendent, North Bengal Electrical Circle, PWD, Siliguri, wherein the name of the petitioner's father appears under the category of "workman." Significantly, Serial No. 11 of the said list records that there were *nil* existing work-charged employees in the department. This, *prima facie*, contradicts the stand of the respondents that the impugned order was passed on the basis that the petitioner's father was a work-charged employee and, therefore, not entitled to the benefits of compassionate appointment.
6. The petitioner has further relied upon the office order dated 24.11.2010, whereby the petitioner's father was granted promotion and extended the benefits available to a regular

employee, thereby indicating his status as part of the regular establishment.

7. Attention has also been drawn to the letter dated 22.11.2022 issued by the Superintending Engineer, PWD Directorate, North Bengal Electrical Circle, addressed to the Joint Secretary, Public Works Department. In the said communication, it has been acknowledged that although the formal order of regularization/absorption of the petitioner's father from the work-charged establishment to the regular establishment could not be traced, it was categorically stated that the petitioner's father, late Chandan Sarkar, had been drawing his salary from Siliguri Treasury-I along with other regular employees until his demise. In support thereof, copies of the pay bills pertaining to the regular establishment were annexed, demonstrating that late Chandan Sarkar was, in fact, treated as a regular employee. However, despite such material being placed before the Joint Secretary, the same does not appear to have been considered while passing the impugned order dated 27.03.2023.

8. This Court is, therefore, of the prima facie view that the Joint Secretary, PWD, while passing the impugned order dated 27.03.2023, failed to take into consideration the aforesaid relevant materials and has proceeded mechanically, without undertaking a proper determination as to whether the petitioner's father was a regular employee in light of the records placed before him.
9. In view of the above, the impugned order dated 27.03.2023 is set aside, and the matter is remanded to the Joint Secretary, PWD, for fresh consideration of the petitioner's claim for compassionate appointment. Such consideration shall be undertaken in the light of the observations made herein and the materials available on record. The Joint Secretary, PWD, shall pass a reasoned and speaking order within a period of eight weeks from the date of communication of this order.
10. With the above directions, the present writ petition stands disposed of.
11. Since no affidavit-in-opposition has been called for, the allegations made in the writ petition shall be deemed to have been denied.

(Gaurang Kanth, J.)