22
07.10.2026
Ct. No.6
b.das

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri
Constitutional Writ Jurisdiction

WPA No. 2248 of 2026

Arindam Roy
Vs.
The State of W.B. & Ors.

Mr. Hillol Saha Podder
Ms. Mousumi Das ...for the petitioner.

Mr. Kunaljit Bhattacharjee
Ms. Somdutta Patra ...for the State.

The petitioner is the son of Amrita Kumar Roy, since deceased, who was an employee in Ex Roller Driver of Malbazar, N.H. Sub-Division and expired on 12th September, 2021. The petitioner made an application on 1st December, 2021 before the concerned authority seeking appointment on compassionate ground, pursuant to which the Executive Engineer, N.H. Division forwarded an application on 29th August, 2022 to the District Magistrate and Collector, Jalpaiguri for issuance of legal heir/family member's certificate which was thereafter sent to the Block Development Officer, Maynaguri Block on 8th September, 2022 for enquiry.

The petitioner was directed to submit the application in prescribed format alongwith other

related documents, by a letter issued by the Executive Engineer, N.H. Division on 7th March, 2024.

The said documents were forwarded to the Joint Secretary (Works Branch) Public Works Department by the Superintending Engineer on 3rd October, 2024 for considering the prayer of the petitioner.

By an order passed on 19th February, 2025, the Joint Secretary, Government of West Bengal, Public Works Department rejected the prayer of the petitioner on the ground that the petitioner applied for appointment on compassionate ground in pro forma application on 13th March, 2024, that is, after more than 2 years from the date of death of the deceased.

The petitioner assails the said order and seeks appointment on compassionate ground.

Learned counsel for the State opposes the prayer.

It is not in dispute that after the death of the employee on 12th September, 2021, an application in plain paper was submitted by the petitioner for compassionate appointment on 1st December, 2021. Upon being directed to submit the application in prescribed format, he submitted such application on 14th March, 2024.

At this juncture, this Court is inclined to place reliance on the notification issued by Labour Department, Employment Cell, Government of West Bengal on 1st March, 2016. Clause 10 (bb) of the notification envisages that "The concerned authority in the department/office should meet the members of the family of the deceased Govt. servant immediately after his death to advise and assist them in getting appointment on compassionate ground. The applicant should be called in person at the very first stage and should be advised in person about the requirement and formalities to be completed by him. A record of such meeting should be kept with the office of the controlling authority and appointing authority."

In the case in hand, it is not the case of the respondents that the said clause was complied with. There is nothing on record to suggest that the concerned authority of the department/office approached the petitioner and apprised him of the requirements and formalities to be complied with by him in seeking compassionate appointment.

The petitioner submitted an application for compassionate appointment immediately after demise of the employee/his father. Since clause 10(bb) has admittedly not been complied with by the authority, the authority can under no

circumstances refuse compassionate appointment of the petitioner on the ground of delayed submission of application in prescribed format by the petitioner. No other ground for rejection of the petitioner's request has been recorded in the order impugned. Therefore it can be inferred that the petitioner was otherwise found to be eligible for the appointment.

In view of the above, this Court is inclined to hold that the petitioner cannot be deprived of his compassionate appointment on the ground stated in the order impugned.

Accordingly, the order passed by the Joint Secretary, Government of West Bengal, Public Works Department on 19th November, 2025 is quashed/set aside.

The Joint Secretary, Government of West Bengal, Public Works Department, being the 1st respondent herein, is directed to revisit the issue and take a reasoned decision upon granting reasonable opportunity of hearing to the petitioner, if required and take necessary steps for compassionate appointment of the petitioner, subject to the petitioner complying with all requisite formalities.

The entire exercise shall be completed within four weeks from the date of communication of this order.

The writ petition is disposed of accordingly.

There shall, however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to have been admitted.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)