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WPA 24576 of 2026

Partha Mukherjee
Vs.
The State of West Bengal & Ors.

Mr. Sankhan Ghosh
Mr. Biswarup Nandy
Mr. Sourav Bhattacharjee
..... for the petitioner

Mr. Pulakesh Bajpayee
Mr. Subit Majumdar
..... for the State

Mr. Supriyo Chattopadhyay
..... for the WBSEDCL

1. Let affidavit-of-service, as filed in Court, be kept on record.
2. The petitioner is aggrieved that he has not been given compassionate appointment in the West Bengal State Electricity Distribution Company Limited (hereinafter referred to as "WBSEDCL"). The petitioner's father was employed in WBSEDCL and expired-in-harness on April 25, 2021.
3. The petitioner had applied for compassionate appointment on September 2, 2021, which was considered and rejected as the petitioner was found over-aged. The recruitment policy of 2010 of WBSEDCL is applicable to the petitioner as his father had expired in 2021.

4. The petitioner's application was considered and rejected on March 4, 2022.

5. It is this rejection of March 2022 which has been assailed in this writ petition. The primary ground of challenge has put forth by Mr. Nandi, learned Advocate appearing on behalf of the petitioner, is that the modification to the recruitment policy, caused sometime in 2023, raises the upper age limit of a dependant of a deceased employee (other than the spouse), to 35 years from the earlier applicable age limit of 30 years, as stipulated in the recruitment policy of 2010.

6. Mr. Chattopadhyay, learned Advocate appearing on behalf of the respondent no. 3, has submitted that since the petitioner's father expired in 2021, the applicable policy of 2010 and the modification of 2023 will not apply to the petitioner. He further submits that the petitioner has come to challenge this order of rejection of March, 2022 only in September, 2026 by way of the instant writ petition.

7. Having heard the learned Advocates for the parties, it is quite clear that the petitioner's father had expired in 2021, when there was no modification or amendment to the policy of 2010. The policy of 2010 is clear and explicit that the upper age limit for a dependant of a deceased employee, to be considered for compassionate appointment, is 30 years.

Admittedly, the petitioner in 2021 was approximately 32 years of age i.e. above the stipulated threshold age limit of 30 years. This modification caused to this age limit in 2023 cannot be applicable to the petitioner, since his application was made in 2021 and the rejection thereof in March, 2022.

8. The modification was effected in 2023 when the application of the petitioner had already been rejected. Even after the modification had been made in 2023, the petitioner had not approached any forum to ventilate his grievance. At this belated stage, when the petitioner has crossed the modified threshold age limit of 35 years as well, his application cannot be entertained. The application of the petitioner, if entertained, would also bypass the modification and go beyond the terms of the modification which, in any event, is not applicable to the petitioner.

9. In view of the aforestated findings, the writ petition fails and is accordingly dismissed.

10. There will be no order as to costs.

11. Urgent photostat certified copy of this order, if applied for, be given to the parties, upon usual undertakings.

(Reetobroto Kumar Mitra, J.)