

**HIGH COURT OF TRIPURA
AGARTALA
WP(C) No.296 of 2024**

SRI SOURAV PAUL

.....Appellant(s).

Vs.

THE STATE OF TRIPURA AND 3 OTHERS

.....Respondent(s).

For Appellant (s) : Mr. S Bhattacharjee, Adv.

For Respondent(s) : Mr. Kohinoor N Bhattacharjee, GA.

HON'BLE MR. JUSTICE S DATTA PURKAYASTHA

Order

25.04.2024

Heard Mr. S Bhattacharjee, learned counsel appearing for the appellant and Mr. Kohinoor N Bhattacharjee, learned GA appearing for the respondent.

The case of the petitioner is that one Ratan Chandra Paul, an Assistant Teacher serving at Satrugnapara High School died in service on 28.05.2007 leaving behind his wife, Smt. Jayanti Baidya Paul and his son, the present petitioner- Sri Sourav Paul, his legal representative. Thereafter, the petitioner on 10.12.2007 applied for providing him a suitable job under Die-in-harness Scheme which was turned down by the respondents on the ground that he was under aged. Later on, after he became major on 10.07.2009 he again submitted another petition on 30.07.2009 praying for job under Die-in-harness Scheme.

Thereafter, the respondent No.2 vide his letter dated 15.07.2009 intimated him that he could not be provided any government job since he was minor and directed him to avail the

financial assistance of Rs.50,000/-. The said letter has been annexed as Annexure-5 of the writ petition.

Later on again, according to Mr. S Bhattacharjee, learned counsel, on 09.10.2009 the respondent No.2 issued another memorandum intimating the mother of the petitioner that the petitioner would not be provided with any job since he was a minor and in absence of his eligibility, she was requested to submit an application for a job for her along with all documents. But no such application was submitted by the mother of the petitioner. This way, time rolled on and the petitioner is now 34 years old and now he has filed this writ petition seeking a direction for rendering benefit of compassionate appointment to the petitioner under Die-in-harness Scheme.

Learned GA, Mr. Bhattacharjee, however, strongly opposes the said prayer on the ground of delay and laches, as it is evident from the record that since 2009 when the petitioner became major he did not approach the court for any such relief till the present writ petition was filed on 18.04.2024.

This court also finds that no relief can be granted to the petitioner as prayed for by him, as the petition is barred for the principle of delay & laches as the petitioner was sleeping over his own cause for such a long period. However, it is also evident from the letter dated 15.07.2009 issued by the Director of School Education that the petitioner was supposed to receive financial assistance of Rs.50,000/- in lieu of any job under Die-in-harness Scheme but according to learned counsel for the petitioner, till date he has not availed that financial benefit.

Learned GA on that point submits that he will give necessary instructions to the respondents to immediately release the amount of Rs.50,000/-, if not already released by the respondents to the petitioner.

This writ petition is accordingly dismissed on the ground of delay and laches on the part of the petitioner. However, liberty is given to the petitioner to submit necessary representation to respondent No.2 through proper channel for release of said amount of Rs.50,000/- and respondent No.2 will release the same within 4(four) weeks of receipt of said representation, if not already released.

Interim application, if any, also stands disposed of.

JUDGE



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