

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.366 of 2024

Smt. Parul Sarkar

.....Petitioner(s);

Versus

The Chancellor, Tripura University & others

.....Respondent(s)

For Petitioner(s) : Mr. A.K. Pal, Advocate.

For Respondent(s) : Mr. Soumyadeep Saha, Advocate.

HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH

Order

27/06/2024

Heard Mr. A.K. Pal, learned counsel for the petitioner and Mr. Soumyadeep Saha, learned counsel for the respondents-Tripura University.

2. Petitioner is the married daughter of the deceased employee Rina Sarkar, MRW (Group-D), Department of Bengali, Tripura University, who died in harness on 06.11.2015. The application for compassionate appointment was made by the petitioner on 19.12.2019, after more than four years of the death [Annexure-B]. Petitioner claims to be a Madhyamik pluck young unemployed woman aged about 37 years and now living in her parental home as she has been driven out by her husband from the matrimonial home. Her husband has remarried with another lady. Therefore, she was facing financial hardship and starvation.

3. Mr. Pal, learned counsel for the petitioner, submits that respondents, despite receipt of representation, have not considered the prayer of the petitioner. Therefore, she has approached this Court in the present writ petition in the year 2024.

4. Mr. Saha, learned counsel for the respondents-University, submits that the claim for compassionate appointment has become stale as the application was made after four years of the death whereas the die-in-harness scheme of 2015 provides for a period of one year for making an application. The writ petition has been filed after another five years in the year 2024 and as such this Court may not entertain the plea of the petitioner. The petitioner even if assumingly did have a claim, by efflux of time, the sense of immediacy evidently got lost on the part of the dependent in seeking compassionate appointment.

5. I have considered the submission of learned counsel for the parties and taken note of the relevant pleadings from record.

The chronology of facts noted above makes it clear that the petitioner, a married daughter, claiming to be living in her parental home due to separation from her husband, has survived for almost nine years since the death of her mother. Moreover, the die-in-harness scheme of 2015 prescribed a period of one year for making a claim for compassionate appointment. That scheme has been replaced by the die-in-harness scheme of 2019. The 2019 scheme also prescribes the time limit of one year for making application for claim thereunder. Petitioner seems to have slept over the matter and approached this Court in the year 2024. This Court, in similar circumstances, had refused to grant relief in the case of *Smt. Payel Das v. The State of Tripura and others* in **WP(C) No.30 of 2024** relying upon decisions rendered by the Apex Court such as in the case of *Umesh Kumar Nagpal v. State of Haryana and others* reported in **(1994) 4 SCC 138** [Para 6], in the case of *State of Himachal*

Pradesh and another v. Shashi Kumar reported in (2019) 3 SCC 653 [Para 18 & 35] and in the case of *State of West Bengal v. Debabrata Tiwari and others* reported in 2023 SCC OnLine SC 219 [Para 35 & 40].

6. The scheme of compassionate appointment lies for providing immediate assistance to the family of the deceased employee. This sense of immediacy is evidently lost by the delay on the part of the dependent like the petitioner in seeking compassionate appointment. Mere filing of representation does not revive a stale or dead claim to give rise to a fresh cause of action. In such circumstances, I do not find any merit in the instant writ petition and the same is accordingly dismissed.

(APARESH KUMAR SINGH), CJ

Pijush/

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