

Court No. 21 25.7.
Item 28 2022
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WPA 30355 of 2016
With
IA No. CAN/1/2022
With
IA No. CAN/2/2022
Susmita Dutta

Vs
State of West Bengal & Ors.

Mr. Dhiman Ray
Mr. Dip Chanda

....for the petitioner.

CAN 1 of 2022

This is an application for restoration. Having regard to the statements made in this application, I am of the opinion that sufficient cause has been shown by the petitioner for not filing the restoration application within time.

In such circumstances, the application under Section 5 of the Limitation Act, 1963, is allowed and disposed of by condoning the delay about 82 days in filing the application.

CAN 2 of 2022

This is an application for restoration. Sufficient cause has been shown for non-appearance of the learned advocate for the petitioner on 13.11.2019.

Accordingly, WPA 30355 of 2016 is restored to its original file and number.

The application being CAN 2 of 2022 stands allowed.

W.P.A. 30355 of 2016

The petitioner seeks compassionate appointment on the death of her father who was a clerk in Bangabashi Morning College, Kolkata. He died-in-harness on June 19, 1995.

It appears that after the death of her father, the petitioner made few representations before the authorities seeking compassionate appointment.

The first representation, as it appears from the writ petition, was made in the year 2-12 and the last representation was addressed to the Director of Public Instruction, West Bengal on October 4, 2016, (annexure P-5 to this writ application).

Petitioner, as it appears, has been appointed as a temporary staff in the said college after the death of his father.

The petitioner did not apply before the authority within a reasonable time seeking compassionate appointment. She filed this writ application belatedly only in the year 2016 i.e. after a gap of about 21 years from the date of the death of her father.

It is settled law that compassionate appointment is provided to a member of the family of the deceased to overcome the sudden financial crisis which the family faces after the sudden death of the sole bread earner of the family. Delay in approach defeats the very object of compassionate appointment.

After 27 years from the death of the father of the petitioner, this Court is not in a position to consider the prayer for compassionate appointment of the petitioner.

Accordingly, WPA 30355 of 2016 is dismissed.

Urgent photosat certified copy of this order, if applied for, be made available to the petitioner upon compliance with all requisite formalities.

(Kausik Chanda, J.)