

16.12.2021
Item no.1
Court No.6.
AB

M.A.T. 283 of 2016
With
I A CAN 1 of 2016
(Old CAN 1856 of 2016)
I A CAN 2 of 2021

Sefali Tudu & Anr.

Vs

The State of West Bengal & Others

Mr. Lal Ratan Mondal,
Mr. Probal Sarkarfor the Appellants.

Mr. Anirban Roy,
Mr. Pinaki Dhole,
Mr. Suddhadev Adakfor the State.

By consent of the parties, the appeal and the applications are taken up together for hearing.

In re : I A CAN 2 of 2021

This is an application for condonation of delay of 9 days in filing the appeal. Causes shown being sufficient, the delay is condoned.

I A CAN 2 of 2021 is, accordingly, disposed of.

In re : M.A.T. 283 of 2016

The father of the petitioner no.1 and the husband of the petitioner no.2 was a 'Job Assistant' in Amarkunda Gram Panchayat in Murshidabad. His service was terminated in 1997 on the ground of he being a regular absentee. He died on February 9,

2004. More than nine years later, the petitioner no.1 applied for compassionate appointment. Since his application did not evoke any response, he approached the learned Single Judge.

The learned Single Judge observed that there was a delay of a little less than a decade in making the application for compassionate appointment, which showed that the petitioners survived without such appointment. The Hon'ble Supreme Court has time and again emphasised that compassionate appointment is to be granted to enable the family of a deceased employee, normally in cases of death in harness, to tide over the immediate financial crisis that the family may be faced with due to the death of the bread earner. Undue and unexplained delay in making application for compassionate appointment will be fatal to such application. It is not a regular source of employment. The learned Judge dismissed the writ application. Being aggrieved, the writ petitioners are before us.

We have heard learned Counsel for the parties. We find no infirmity in the order under appeal. Admittedly, there was inordinate delay on the part of the writ petitioner no.1 in applying for appointment on compassionate ground. Further, it is not a case where the father of the writ petitioner no.1 died in harness. The service of the father had been terminated in 1997

and he passed away in 2004. In our view, this is not a fit case for granting compassionate appointment. We find nothing unreasonable or arbitrary in the approach of the State-respondents. In view of the principles of law governing compassionate appointment, in spite of our sympathies for the appellants, we are unable to help them.

Since we have not called for affidavits, the allegations in the application are deemed not to be admitted by the respondents.

The appeal being MAT 283 of 2016 along with CAN 1856 of 2016 are disposed of.

Urgent Photostat Certified copy of this order, if applied for, be supplied expeditiously after complying with all necessary legal formalities.

(Kausik Chanda, J.)

(Arijit Banerjee, J.)