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12.12.2022
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 3768 of 2021

**Archana Das (Paul)
-versus
The State of West Bengal & Ors.**

**Mr. Debarshi Brahma
...For the Petitioner.**

**Mr. Sandipan Banerjee,
Mr. Sobhan Majumder,
Mr. Ankit Sureka.
...For HMC.**

Affidavit-of-service filed in Court today is taken on record.

Leave is granted to the learned advocate-on-record of the petitioner to implead the Howrah Municipal Corporation as party respondent in the present writ petition.

Let a copy of the writ petition be served upon Mr. Sandipan Banerjee, learned advocate representing the Howrah Municipal Corporation.

The petitioner prays for compassionate appointment. Her father was an employee of the Corporation who died-in-harness on 19th May, 2010. The widow of the employee, i.e. the mother of the petitioner filed an application seeking compassionate appointment in favour of the petitioner.

The Howrah Municipal Corporation by a communication dated 20th January, 2011 requested the widow to appear before the Enquiry Committee on 14th February, 2011 for consideration of her application for appointment on compassionate ground.

The petitioner submits that thereafter, no communication was made from the end of the Corporation.

The petitioner refers to the representations made in June 2015 and February 2016. Lastly a legal representation was made in January 2021.

The petitioner seeks a direction upon the Corporation to take necessary steps in the matter.

The prayer of the petitioner is opposed by the Corporation.

Upon hearing the submissions made on behalf of the parties, it appears that the employee expired in May 2010. An opportunity of hearing was afforded to the widow in February 2011. Thereafter, the petitioner did not take any steps to press the application for compassionate appointment. The petitioner waited for more than ten years to approach this Court for relief.

Mere filing of representations intermittently does not extend the period of limitation. The very purpose of providing compassionate appointment is to assist the heirs of the deceased employee to tide over the immediate financial crisis faced by the family on the death of the bread-earner.

The employee has expired more than twelve years back. At such a distant point of time, it will not be proper to entertain the prayer of the petitioner seeking compassionate appointment.

The purpose of providing compassionate appointment will be frustrated, if stale claims are admitted by the Court.

In view of the above, no relief can be granted to the petitioner in the instant writ petition.

The writ petition fails and is hereby dismissed.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)