

21. 08.04.2022
Ct. No.06
Tanmoy

IA No: C.A.N. 2 of 2022

**Srimanti Oraw @ Simanti Oraw
-Versus-
The State of West Bengal & Ors.**

In

**F.M.A. 1274 of 2021
(M.A.T. 1072 of 2021)**

Mr. Upendra Roy, Adv.,
Mr. Uttam Banerjee, Adv.,
Mr. Arunesh Pathak, Adv.

...for the appellant.

Mr. Biswabrata Basu Mallick, Adv.,
Mr. Sanjib Das, Adv.

...for the State.

Affidavit of service filed in Court today, be kept
with the records.

This is an application for modification of a
judgment and order dated January 20, 2022, whereby
this Bench dismissed the appeal affirming the decision
of the learned Single Judge not to accord the benefit of
compassionate appointment to the writ petitioner.

Mr. Upendra Roy, learned advocate, has come up
with this application captioning the same, as a
“modification/alteration” application to urge that in the
said judgment dated January 20, 2022 it was glossed

over that the petitioner made her first application for compassionate appointment in the year 2007.

We have perused the application as annexed to this application. It appears that the father of the petitioner died in the year 1999 and at that point of time, the applicant was aged about eleven years. After attaining her majority, the said application for compassionate appointment was made in the year 2007.

Even if we consider the said application to be the first application, the petitioner does not qualify to be appointed on compassionate ground since the same was made eight long years after the death of her father. Such belated application is against the spirit of providing immediate financial assistance to the family of the deceased employee.

In that view of the matter, we find no merit in this application. Accordingly, the application being IA No: C.A.N. 2 of 2022 in F.M.A. 1274 of 2021 is dismissed.

Let urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Kausik Chanda, J.)

(Arijit Banerjee, J.)