

17th June, 2022
(D/L No.31)
(SKB)

W.P.A. 21242 of 2021

Palash Halder
Versus
The West Bengal and others

Ms. B. Gayatri
... for the petitioner.

Ms. Sutapa Sanyal
... for the State.

The present writ petition is against an order of rejection dated 8th July, 2016 of the Joint Commissioner of Stamp Revenue, (Audit) West Bengal. By the said order, the application of the petitioner for compassionate appointment as a Deed Writer after his father's death was rejected.

After hearing learned counsel appearing for the parties, it appears that the impugned order was passed under Rule 6 of The West Bengal Registration (Deed Writers') Rules, 1999.

Rule 6 of the said Rules provides for compassionate appointments given to a spouse or any one of his sons or daughters or near relations of a Deed Writer who dies in harness or becomes incapacitated due to old age or otherwise. Rule 6 states that in the aforesaid circumstance, if the family is left in "*immediate need of assistance,*" the spouse or other eligible sons/daughters who are entitled to be

considered for grant of licence for a Deed Writer with written consent shall apply through the proper channel.

In the present case, the petitioner's father died on 22nd December, 2003 and the petitioner applied for a compassionate appointment on 26th December, 2012 i.e. after 9 years from the date of death of his father. Since Rule 6 mentions the expression 'in immediate need of financial assistance', it can be presumed that an application for compassionate appointment under Rule 6 of The West Bengal Registration (Deed Writers') Rules, 1999 should be made within a reasonable period of time by the family member after the death of the father or husband, as the case may be.

This court finds no infirmity in the impugned order dated 8th July, 2016 which clearly records that the deceased Deed Writer died on 22nd December, 2003. The explanation given for the delay of the petitioner for acquiring the necessary training and becoming a member of The Deed Writers' Association cannot circumvent the requirement of Rule 6 of the Rules. In any event, the present writ petition was filed in 2021-22 after five years of the impugned order.

W.P.A.21242 of 2021 is accordingly dismissed without any order as to costs.

(Moushumi Bhattacharya, J.)