

OD-2

APO 61 OF 2021
WITH
WPO 70 OF 2021
IA NO: GA/1/2022
IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
ORIGINAL SIDE

IN THE MATTER OF:
SHATANIK DASGUPTA
VS
THE STATE OF WEST BENGAL AND ORS.

Before:

The Hon'ble Justice SUBRATA TALUKDAR

And

The Hon'ble Justice ANANDA KUMAR MUKHERJEE

Date: 4th May, 2022

Appearance:
Mr. Rananeesh Guhathakurta, Adv.
Mr. Subhojit Ghosh, Adv.
Miss Rupa Singh, Adv.
For appellant
Ms. Chaitali Bhattacharya, Adv.
Mr. Subhendu Roychoudhury, Adv.
For State respondents

The Court: Party/parties is/are represented in the order of their name/names as printed above in the cause title.

This appeal is directed against the order of the Hon'ble Single Bench dated 23rd February, 2021 in the writ petition being WPO 70 of 2021.

The Order impugned of the Hon'ble Single Bench, *inter alia*, recorded that the grievance of the writ petitioner/present appellant is non-consideration of his claim to compassionate appointment by the

State respondents and particularly the Directorate of Sports and Youth Affairs Department, Government of West Bengal.

Mr. Guhathakurta, learned counsel appearing for the appellant, submits that the appellant/writ petitioner could only make the application for compassionate appointment in place and stead of his deceased father after the appellant became major in the year 2014. Therefore, the appellant submits that the Hon'ble Single Bench erred in holding that the claim for compassionate appointment is barred by delay.

Per contra, Ms. Bhattacharya, learned counsel appearing for the State respondents, takes this Court to the facts recorded by the Order impugned. It is reiterated that the father of the petitioner, who was employed as a Borough Youth Officer under the said Directorate, died in the year 2001. There are no records to show that the mother of the appellant/writ petitioner made any application for compassionate appointment within time. The mother died in the year 2007.

It is further reiterated that although the appellant claims to be a major from the year 2014, the first application filed for compassionate appointment by the appellant himself is in 2018 followed up by reminders in 2019, 2020 and 2021. Accordingly, learned counsel for the State points out that the Hon'ble Single Bench was correct in holding that the claim to compassionate appointment was hopelessly delayed by 17 years.

Having heard the parties and considering the materials placed as well as the admitted facts, this Court finds no infirmity in the

decision of the Hon'ble Single Bench. This Court further finds that even assuming that the appellant/writ petitioner could place a claim after attaining majority in 2014, the first application of the appellant himself was delayed by a period of four years, being filed in 2018 or, alternately by three years if the claim of the appellant is to be accepted that his first application (*supra*) was not made in 2018 but, in 2017.

In the backdrop of the above discussion, this Court is *ad idem* with the reasoning of the Hon'ble Single Bench that the appellant/writ petitioner's claim to compassionate appointment cannot survive at this distance of time.

APO 61 of 2021 and IA No. GA 1 of 2022 stand accordingly **dismissed.**

There will be no order as to costs.

In view of the discussion above, affidavits are not necessary and neither are they invited. Other allegations are hence deemed to be denied.

All parties to act on a server copy of this order downloaded from the official website of this Court.

(ANANDA KUMAR MUKHERJEE, J.)

(SUBRATA TALUKDAR, J.)