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28.08.2023
D.Hira
Court No. 12

**In The High Court At Calcutta
Civil Appellate Jurisdiction
Appellate Side**

**FMA 2757 of 2015
With
CAN 1 of 2015 (Old No. CAN 1895 of 2015)**

**Rakesh Mondal
Versus
State Bank of India & Ors.**

**Mr. Subrata Ghosh.
... for the appellant**

**Mr. S.K. Sinha,
Mr. Sudeep Pal Choudhuri,
Ms. Diya Nandi.
... for the SBI**

The appellant's father died on 16th July, 2000 while working in the respondent bank. The appellant applied for appointment on compassionate ground. By the order dated 4th March, 2003, the said request was rejected by the respondent bank and the appellant did not challenge the said order.

Subsequently, the scheme for compassionate appointment was revoked and new scheme of payment of ex-gratia lumpsum amount came into effect from August, 2005.

According to the appellant, he has made application in the year 2006 for lumpsum payment and again made application on 11th September, 2014 for appointment on compassionate ground. The application dated 11th September, 2014 for appointment on compassionate ground by the appellant was rejected by

the respondent bank on 22.10.2014. The appellant filed writ petition being W.P.128 (W) of 2015 challenging the said order.

Learned Judge considering the above facts and dismissed the writ petition.

Challenging the said order of dismissal the appellant has come out with the present appeal.

Heard Mr. Subrata Ghosh, learned counsel appearing for the appellant and Mr. S.K. Sinha, learned counsel appearing for the S.B.I.

It is the contention of the learned counsel for the appellant that the first request of the appellant was recommended by the Branch Manager after due enquiry. But admittedly the said request for compassionate appointment was rejected on 4th March, 2003 itself by the bank. The appellant did not challenge the said rejection order.

The second contention of the learned counsel for the appellant is that he made another application in the year 2006 for lumpsum payment. The appellant has not produced any materials to substantiate the said contention. In any event, the appellant has approached the respondent only on 11th September, 2014 for appointment on compassionate ground. The said request was rejected by the respondent bank on 22nd October, 2014. His compassionate appointment is beneficial appointment to tide over the indigenous circumstances of the family of the deceased employee on the death of the breadearner immediately. It has been repeatedly held

that the delay in considering the said application or delay in approaching the authorities or Court for orders on the application for appointment on compassionate ground is fatal. The Hon'ble Apex Court in the judgment of ***State of West Bengal vs. Debabrata Tiwari & Ors.*** reported in ***2023 SCC Online SC 219*** elaborately considered the reasons for granting compassionate appointment and categorically held that any delay in approaching the authorities will disentitle the person from getting compassionate appointment.

In the present case, the request for the appellant for compassionate appointment was rejected on 4th March, 2003. Subsequently, the appellant has approached in the year 2014. The learned Judge considered the materials and rightly dismissed the writ petition.

There is no error in the order of the learned Judge warranting interference by this Court.

The appeal fails and dismissed.

Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(V.M. Velumani, J.)

(Rai Chattopadhyay, J.)