

Dd 13 12.07.2023

WP.ST 70 of 2023

***Uttam Mandal
Vs.
The State of West Bengal & Ors.***

*Mr. Udayan Chakravarty,
Ms. Sanjukta Bhattacharya,
Mr. N. Dasgupta, Advocates
... .. For the Petitioner*

*Mr. Tapan Kumar Mukherjee, AGP
Ms. Tuli Sinha, Advocates
... .. For the State*

Petitioner is aggrieved by an order dated August 31, 2022 passed by the tribunal. By the impugned order, the tribunal refused to entertain an application for review.

Petitioner sought review of an order dated April 4, 2022 passed by the tribunal by which, the tribunal negated the claim for compassionate appointment.

The writ petitioner before us is the son of the deceased employee. The employee died-in-harness in November 11, 2003. The date of birth of the writ petitioner is July 16, 1984. Writ petitioner did not apply for compassionate appointment immediately on the death of his father. The family of the deceased employee consists of the mother of the writ petitioner and the two other siblings. The mother of the writ petitioner applied for compassionate appointment to be granted to the writ petitioner on June 29, 2006. Thereafter, there are letters of March 18, 2010, July 26, 2011, March 10, 2011 and August 3, 2017. The writ petitioner filed the original application on

September 14, 2018 seeking compassionate appointment.

There remains unexplained delay for the period from the date of death of the father of the writ petitioner till the writ petitioner moving the original application on September 14, 2018.

The claim of compassionate appointment was negated by the tribunal by the order dated April 4, 2022. Review of such order was sought for which was rejected by the impugned order.

Learned tribunal by the impugned order found that no ground was made out for the review of the earlier order of the tribunal dated April 4, 2022. Today, also we find no ground for the writ petitioner seeking review of the order dated April 4, 2022.

Independent of the prayer for review, we considered the claim for compassionate appointment made by the writ petitioner. As noted above, there is unexplained delay on the part of the writ petitioner in not coming forward to claim the compassionate appointment. Financial criteria of the writ petitioner is also not placed before us. We are not informed as to the employment status of the two siblings of the writ petitioner at the material point of time.

In such circumstances, we find no merit in the present writ petition.

WP.ST 70 of 2023 is, accordingly, **dismissed** without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)