

**98 10.04.
2023**

Ct. No. 04

ab

WP.ST 71 of 2021

**Samrat Kumar Roy
Vs.**

The State of West Bengal and others.

Ms. Soma Chakraborty.

... for the petitioner.

By the impugned order/judgment dated 24th September 2019, the tribunal application being OA 388 of 2013 has been dismissed being devoid of merit.

The dispute relates to a compassionate appointment on the death of the mother of the petitioner, who was admittedly a Government employee. The mother of the petitioner died on 9th June 1999 and immediately a prayer was made for consideration of compassionate appointment as the petitioner claimed to have been dependent upon her till her lifetime. Though the authority has taken a considerable time to decide the said application, but ultimately the authority did not find any immediate financial assistance required to the petitioner on the death of mother.

Despite the rejection of the earlier application, a further application is taken out for the selfsame prayer. The Tribunal dismissed the said application on two grounds; firstly, the earlier rejection order has not been assailed by the petitioner and, therefore, the subsequent application seeking selfsame relief is not maintainable and secondly, since a considerable period has elapsed from the date of the death of the mother, it is presumed that the family is not in penury.

So far as the second ground is concerned, we hastened to add that mere survival for a period of time does not mean that the family does not need any financial assistance. It cannot be a one way traffic. It appears from the record that the authority took a

considerable period of time, in this case more than a decade, to decide an application seeking compassionate appointment. The object and purpose behind incorporation of a scheme of compassionate appointment shall be totally shattered, if not frustrated, if the authority took such a long time in taking a decision for appointment on compassionate ground.

Therefore, we do not accept the proposition that merely the family survived anyhow for a considerable period of time leads to a presumption that it does not require any financial assistance. However, we find justification in the stand of the Tribunal that a litigant cannot go on filing representation one after another upon rejection thereof to make the cause of action surviving. There must be finality in any dispensation of justice and the repeated representation should not be encouraged the moment the earlier representation has been disposed of and/or dismissed on merit.

We, therefore, do not find any merit in the impugned order.

The writ petition is dismissed.

There shall, however, be no order as to costs.

(Harish Tandon, J.)

(Prasenjit Biswas, J.)

