

MAT 1229 of 2022
with
IA No. CAN 1 of 2022
with
IA No. CAN 2 of 2022

(Asok Das Vs. Union of India & Ors.)

Mr. Dipendra Nath Bose

..... For the appellant

Mr. Subir Pal

..... For the respondents

Affidavit-of-service filed by the writ petitioner/
appellant be kept on record.

The present appeal has been preferred challenging an
order dated 10th November, 2021 passed in a writ
petition being WPA 15979 of 2021.

As we have been invited Mr. Bose, learned advocate
appearing for the appellant to advance his arguments on
merits of the matter, we condone the delay in preferring
the appeal.

The application for condonation of delay being **CAN 1
of 2022** is, accordingly, disposed of.

Mr. Bose argues that the respondents have not
complied with their own circular dated 2nd January,
1995. The appellant's father retired on medical ground
on 17th April, 1996 and as such, the authorities were
under an obligation to consider the representation
submitted prior thereto on 6th March, 1995 for grant of
compassionate appointment in favour of the appellant.

The learned Judge glossed over such arguments, as advanced and did not return any finding. In view thereof, the impugned order is not sustainable in law.

He further argues that the learned Judge erred in law in not exercising discretion in favour of the appellant though he submitted repeated representations for grant of compassionate appointment.

Per contra, Mr. Pal, learned advocate appearing for the respondents submits that prior to retirement on medical ground, the first representation was submitted by the appellant's father on 6th March, 1995 for grant of compassionate appointment to his son. Thereafter appropriate representations were not submitted by the appellant and as such, the allegation that the respondents have denied to discharge their obligation, is unfounded.

We have heard the learned advocates appearing for the respective parties and considered the materials on record.

Indisputably, the appellant's father retired on medical ground on 17th April, 1996 and subsequently died on 30th December, 2018. From the annexures to the stay application it appears that the appellant's father submitted the second representation on 2nd May, 2008, i.e., about 13 years after the first representation on 6th March, 1995. The next representation appears to have been submitted by the appellant's mother about 13 years

thereafter on 21st January, 2021 and lastly, a representation was submitted by the appellant again on 20th July, 2023, i.e., after the writ petition was dismissed. In the representation of the appellant's mother, she claimed *inter alia* that since compassionate appointment has not been granted to the appellant, the authorities should grant one time lump sum consideration in lieu of employment. The delay towards submission of the representations has not been explained.

Records reveal that the writ petition, in fact, was preferred about 25 years after the first representation was submitted on 6th March, 1995 and that the appellant is presently 55 years of age.

In the said conspectus, the learned Judge refused to exercise discretion in favour of the appellant and we do not find any infirmity in the order impugned.

Accordingly, the appeal being **MAT 1229 of 2022** and the stay application being **CAN 2 of 2022** are dismissed.

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

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Partha Sarathi Chatterjee, J.) (Tapabrata Chakraborty, J.)