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16-08-2023  
debajyoti  
(Ct. no.06)

**MAT 1467 of 2023**  
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**IA NO:CAN/1/2023**  
+  
**CAN/2/2023**

**The Director of Local Bodies**  
**Vs.**  
**Palash Bag & Ors.**

Mr. Subhrangsu Panda,  
Ms. Ina Bhattacharyya  
... For the Appellant.

Mr. Mani Sankar Halder,  
Mr. Sarthak Burman  
... For Respondent No.1/Writ  
Petitioner.

Mr. Sankar Halder  
... For Respondent Nos.2 to 4.

**Re : CAN/1/2023**

This is an application for condonation of delay of 1380 days in presenting an appeal against a judgment and order dated September 19, 2019, whereby the writ petition of the respondent no.1 herein being W.P. No.16923(W) of 2019 was disposed of.

By the judgment and order sought to be impugned, the learned Judge directed the present appellant who was the respondent no.1 in the writ petition, "to take steps to accord approval to the recommendation already forwarded by the Chairman in respect of the petitioner whose name is appearing on 20<sup>th</sup> July, 2012 under serial no.24 for the post of group "D" staff in accordance with law without any further delay but positively within eight weeks from the date of communication of this order".

The writ petitioner's father was an employee of Krishnagar Municipality, who died in harness. Accordingly, the writ petitioner requested the Municipality to give him appointment on compassionate ground. In view of no action being taken on his request, he had approached the learned Single Judge, who passed the aforesaid order.

We have heard learned counsel for the applicant. We have noted the purported explanation given in the petition for condonation of delay. We do not find the explanation to be either credible or otherwise acceptable.

It is not the applicant's case that he did not receive notice of the writ application. However, in spite of that, the present applicant chose not to appear before the learned Single Judge on the day the matter was disposed of. Thereafter, for four years, the applicant has been sitting over the matter without complying with the order of the learned Single Judge.

We are told that an application for recall of the order dated September 19, 2019 has been taken out by the applicant herein. However, such application has been filed only after the writ petitioner filed a contempt application for violation of the order of the learned Single Judge.

Since the explanation for the delay is not at all satisfactory and not acceptable to us, we dismiss the application for condonation of delay. Consequently, the appeal and the other connected application stand dismissed.

However, we are of the view that since the applicant herein has taken out an application for

recall of the order dated September 19, 2019, the same should be disposed of in accordance with law.

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

Urgent photostat certified copies of this order, if applied for, be supplied to the parties on compliance of all necessary formalities.

**(Arijit Banerjee, J.)**

**(Apurba Sinha Ray, J.)**