

17-11-2023
ct no. 13
Sl. 23
sp

WPA 23134 of 2023

Ganesh Adikary

-Versus-

The West Bengal State Minor Irrigation Corporation Ltd.
& Ors.

Mr. B.P. Mondal,
Mr. Sukanta Mondal

...for the petitioner

Mr. T.M. Siddiqui,
Mr. S. Adak

... for the WBSMIC

1. The petitioner applied for compassionate employment on account of the death of his late father Milon Adhikary, who was an operator under the West Bengal State Minor Irrigation Corporation Ltd. A Committee was formed comprising of 4 officers for causing an enquiry into the petitioner's application.
2. By a communication dated February 5, 2018, the Divisional Engineer, Midnapore, WBSMIC recommended the petitioner's case for appointment on compassionate ground in any operational/ clerical post in the Midnapore Division. The recommendation was never carried out.
3. In reply to a letter of demand dated May 1, 2023, issued on behalf of the petitioner by his advocate, the respondent by a letter dated May 29, 2023 enclosed a letter of the

Water Resources Investigation and Development Department, Government of West Bengal signed by the Deputy Secretary dated September 11, 2018, stating that non-government staff of the State are not considered for compassionate employment.

4. Mr. Siddiqui across the bar submits that the West Bengal State Minor Irrigation Corporation Ltd. is governed by its own Rules and the State Government Rules are not applicable and the State has not permitted transgression.
5. In the backdrop of the above, this Court is of the view that no relief can be granted to the petitioner. The only infraction on the part of the WBSMIC Ltd. appears to be non-communication of the letter dated September 11, 2018 to the petitioner.
6. Be that as it may, the petitioner himself is guilty of delay and laches since after February 2018 he has chosen to remain silent and has woken up in May, 2023 i.e. after 5 years.
7. It is now well-settled that compassionate employment even if available as a remedy in law, is defeated by reason of delay and lapse of time.

8. In that view of the matter, the writ petition shall stand disposed of without any order.
9. There shall be no order as to costs.
10. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)