

Dd 157 17.09.2024
ML

MAT 264 of 2023

***RUBI ROY
VS
THE STATE OF WEST BENGAL AND ORS.***

*Mr. Anirban Das, Advocate
... .. For the Appellant*

1. Appeal is directed against an order March 14, 2022 passed in WPA 21085 of 2021.

2. By the impugned order, learned Single Judge dismissed the writ petition on the ground of unexplained delay of the appellant in approaching the writ Court.

3. Learned advocate appearing for the appellant submits that the appellant sought compassionate appointment as the married daughter of the deceased school teacher. He submits that, after the appellant expired on June 23, 2006, appellant applied for compassionate appointment. Since the Authorities were not taking any decision, appellant filed a writ petition being WP 17872 (W) of 2012 which was disposed of by an order dated July 24, 2015 requiring the Authorities to decide on the claim for compassionate appointment. Authorities passed an order dated October 16, 2015 rejecting the claim. Such decision was challenged by way of a writ petition being AST 386 of 2017 which was dismissed for default on January 8, 2018. Thereafter, the writ petitioner filed WPA 21085 of 2021 which gave rise to the impugned order.

4. Learned advocate appearing for the appellant submits that appellant was married prior to the death of the school teacher concerned. He submits that, financial paucity is one of primary reasons for the delay.

5. None appears for the respondents.

6. In response to the query of the Court as to what particulars of the financial conditions are enumerated in the writ petition, learned advocate appearing for the appellant submits that, there are hardly any particulars. In response to another query of the Court as to the explanation for the delay, if any, in the writ petition, learned advocate appearing for the appellant submits that there hardly is any.

7. In the facts of the present case, the concerned employee expired on June 23, 2006. Prior to his death, appellant was married. There is no averments in the writ petition that the appellant was dependant upon the deceased employee at the time of death. Financial condition of the appellant or the family of the deceased is not disclosed in the writ petition.

8. Delay in filing the writ petition remains unexplained. Delay is startling. Death occurred on June 23, 2006 with an application for compassionate appointment being made. Date of the application is not stated. Appellant approached the writ Court for the first time after 6 years from the date of death, by way of WP 17872 (W) of 2012 which was disposed of by an order dated July 24, 2015. Such order required the authorities to decide on the application for compassionate appointment. Authorities decided such application negating the claim, by an order dated October 16, 2015. Such decision was

challenged by way of a writ petition being AST 386 of 2017 after 2 years of the date of decision. Such writ petition was allowed to be dismissed for default on January 8, 2018. Thereafter in 2021, a writ petition was filed which resulted in the impugned order.

9. Learned Single Judge rightly noted the delay in seeking compassionate appointment. is unexplained with regard thereto. Learned Single Judge, therefore, proceeded to dismiss the writ petition.

10. We find no merit in the present appeal.

11. MAT 264 of 2023 is **dismissed** without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)