

Dd **11 19.11.2024**

MAT/919/2024
With
IA NO: CAN/1/2024

ARUP MAHATO
VS.
THE STATE OF WEST BENGAL AND ORS.

Mr. Indrajit Biswas,
Sk. Samsul Arefin,
Mr. Rakesh Gupta, Advocates
... .. For the Appellant

Mr. Subir Kr. Bhattacharyya, Advocate
... .. For the respondent Nos. 2 & 3

1. There is a delay in preferring the appeal. CAN 1 of 2024 is an application seeking condonation of delay.
2. Department reports a delay of 64 days in preferring the appeal.
3. For the ends of justice causes shown in the application for condonation of delay are accepted as sufficient. Delay in making and filing the appeal is condoned. CAN 1 of 2024 is **disposed of**.
4. By consent of the parties, appeal is taken up for final hearing.
5. Appellant is aggrieved by an order dated February 6, 2024 passed in WPA 18704 of 2023 by which the writ petition of the appellant was dismissed.
6. Appellant seeks grant of appointment on compassionate ground.
7. Employee in question expired on November 8, 2009. Application for compassionate appointment was made in the year 2010. For a period of 13 years, the appellant did not take any steps excepting re-

applying in the year 2023. Thereafter, appellant approached the writ Court for grant of relief.

8. Learned Single Judge noted such facts and was of the view that the appellant did not proceed with the grant of compassionate appointment over a period of 13 years. Learned Judge, therefore, was not inclined to intervene in a writ petition. Learned single Judge noted that, compassionate appointment cannot be claimed as a matter of right and it depends on the scheme as well as the facts and circumstances of each case.
9. We find no material irregularity in the exercise of discretion by the learned single Judge in not entertaining the writ petition at the behest of the appellant who did not proceed with the application for compassionate appropriately. Appellant was able to manage for a period in excess of 10 years which leads to a presumption that there was no immediate need for the family.
10. In such circumstances, we find no merit in the appeal.
11. MAT/919/2024 is **dismissed** without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)