

03.04.2024
Item No.10
gd/ssd

MAT/1400/2023
IA NO: CAN/1/2023, CAN/2/2023
ABDUR ROUF AND ANR.
VS
STATE OF WEST BENGAL AND ORS.

Mr. Anirban Mitra,
Mr. Debasish Saha,
Mr. Amit Halder,
Mr. Amit Roy
..for the Appellants.

Mr. Tarak Karan
..for the State.

Re: CAN 1 of 2023

1. This application has been filed by the appellants seeking condonation of delay of 746 days in filing this appeal.

2. Learned counsel for the appellants has referred to the explanation which has been furnished in the application and also has made submission in respect of the explanation for the delay.

3. We find that the delay in filing this appeal has been sufficiently explained and the appellants were prevented from filing the appeal within time on account of bona fide reason.

4. Hence, CAN 1 of 2023 is accordingly, allowed. The delay in filing the appeal is condoned.

Re: MAT 1400 of 2023

5. The learned advocate for the appellants submitted that the facts have gone down wrongly before the writ court since the appellant no.2 is not seeking for any compassionate appointment but the appellant no.1 requests the department to permit his son for operating the stamp vendor's licence granted to him by substituting his name in the place of the appellant no.1 since the appellant no.1 is unwell.

6. Under the relevant Rules there is no provision to such substitution and if at all the appellant no.1 is desirous of securing a licence, it will be open to the said person to apply for the licence as per the extent Rules.

7. With the above observations, the appeal stands dismissed.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)