

Item-14.	02-04-2024	MAT 1621 of 2023 CAN 1 of 2023 CAN 2 of 2023
sg	Ct. 8	Ajit Dom Versus The Bank of India & Ors.

Mr. Soumik Ganguli, Adv.
Mr. Debangshu Bandhu, Adv.
...for the appellant
Mr. S.M. Obaidullah, Adv.
Mr. R.N. Majumder, Adv.
Ms. A. Dey, Adv.
...for Bank of India

1. CAN 2 of 2023 is the application for condonation of delay.
There is a delay of 9 days in preferring the appeal.
2. Sufficient cause being shown for not being able to present the memorandum of appeal within the stipulated period of time, the delay of 9 days in filing the present appeal is condoned. The prayer for condonation of delay is allowed.
3. CAN 2 of 2023 is, thus, disposed of.
4. In view of the inexplicable delay in pursuing the application filed by the petitioner on 26th September, 2011 for compassionate appointment and having regard to the fact that we do not find any reason furnished in the writ petition for the delay between 26th September, 2011 till 10th January, 2023, we do not find any reason to interfere with the order passed by the learned Single Judge as the compassionate appointment is granted in order to give relief/provide succor to the bereaved family from the imminent financial crisis that may be caused due to the sudden death of the bread earning of the family.

5. We could have considered the writ petition provided the writ petitioner was able to justify the delay on the ground of any disability or any other justifiable reasons. The learned Single Judge has rightly relied upon the decision of the Hon'ble Supreme Court in *State of West Bengal vs. Debabrata Tiwari & Ors.* reported in *2023 SCC Online SC 219* and rejected the prayer of the writ petitioner for consideration and appointment.
6. In view thereof, we did not find any reason to interfere with the order passed by the learned Single Judge. The appeal fails.
7. The appeal and the stay application are accordingly, dismissed. However, there shall be no order as to costs.
8. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Soumen Sen, J.)

(Uday Kumar, J.)