

**HIGH COURT AT CALCUTTA
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE**

23.04.2024
Item No.8
Court No. 01
sg

**MAT 65 of 2022
CAN 1 of 2022
CAN 2 of 2022**

Kamal Roy
Versus
The State of West Bengal & Ors.

Mr. Hirak Barman,
Mr. Momenur Rahman,
...for the State

1. The appellant is not represented nor any accommodation is prayed for on behalf of the appellant.
2. The appeal is arising out of an order dated 7th March, 2022 in connection with a writ petition seeking compassionate appointment. The father of the petitioner died in harness on 9th January, 2005 and the writ petition was filed in February, 2022 following a representation dated 6th January, 2022. The learned Single Judge dismissed the writ application on the ground of inordinate delay.
3. We have carefully read the judgment under appeal. We do not find any reason to take a contrary view as the purpose of a compassionate appointment is to tide over the minimum financial crisis faced by the family due to untimely death of a bread earner.
4. The present appeal is also delayed by 68 days. Even the application for condonation of delay has not been formally

moved.

5. Even if we were to take a sympathetic view with regard to the prayer for condonation of delay, merits of the case does not permit us to reconsider the matter on merits. Alive to the fact that in consideration of an application for condonation of delay, the merits of the case may not be relevant in the absence of the petitioner moving the application for condonation of delay. We dismiss the application for condonation of delay for non-appearance. In view of such dismissal, the appeal has now also become time barred. The appeal and the stay application also stands dismissed. However, there shall be no order as to costs.

(Soumen Sen, J.)

(Partha Sarathi Sen, J.)