

23rd July, 2025

Item no. DL 6
Court No. 4

Asraf, A.R.(Ct.)

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

Case No. **WP.CT 131 of 2025**

In the matter of :

JOYDEB BAURI

.... Petitioner

VS.

THE UNION OF INDIA & ORS.

....Respondents

For the Petitioner :

Mr. Susanta Pal

Mr. Sougata Mitra

Mr. Nikhil Kr. Gupta

Ms. Soma Chakraborty

Mr. Subhadeep Maitra

....Advocates

For the Respondents :

Ms. Debjani Ghosal

....Advocate

1. Affidavit of service filed in Court today is taken on record.
2. Heard the learned counsel for the petitioner / applicant as well as the learned counsel appearing on behalf of the respondents.
3. The petitioner's father died in harness on 01.07.2000 while serving as a Postman. More than five years thereafter, on 11.11.2005 petitioner applied for appointment on compassionate ground which was not considered by the respondent authorities. Petitioner, however, took no steps for redressal of his grievance.

4. Six years thereafter he filed another application for compassionate appointment, on 06.01.2011. He thereafter filed OA no.1024 of 2012 which was disposed of by the Tribunal on 07.01.2013 with a direction to the respondents to take a decision on the petitioner's claim.
5. The petitioner was communicated rejection of his claim for compassionate appointment by a communication dated 16.04.2013 from the Assistant Director, Postal Services (Recruitment). The petitioner was informed that the Circle Relaxation Committee (CRC) has considered his claim twice, i.e. on 08.04.2011 and 19.03.2012. Based on the various attributes of the deceased, petitioner was awarded 60 points. At the time of first consideration by CRC there were 221 applicants against the 9 available vacancies. The last candidate offered the compassionate appointment had been awarded 97 points. During the second consideration on 19.03.2012 there were 13 vacancies, 241 applicants and the last person offered compassionate appointment had secured 91 points, whereas petitioner had secured only 60 points.
6. The petitioner again moved the Tribunal by filing an application. O.A. No. 578 of 2013 filed by the petitioner was disposed of directing consideration

of petitioner's claim. The Chief Post Master General intimated to the petitioner that his case was considered again on 19.08.2013 when there were a total of 245 applicants claiming compassionate appointment against 7 vacancies. Compassionate appointment was offered to candidates who had scored up to 90 points. Since the petitioner had 60 points, once again he was found way below the zone of consideration, and was not offered appointment.

7. The petitioner thereafter filed OA No 82 of 2014, wherein he raised a grievance regarding non-disclosure of the mechanism/procedure for identifying the points (indigence score). The OA was disposed of on 25.02.2014, with a direction upon the respondents to disclose the mechanism/procedure. The petitioner assailed the order by filing a Writ Petition before this Court. WPCT 30 of 2015 filed by the petitioner was disposed of on 24.04.2015, upholding the decisions of the Tribunal dated 25.02.2014.
8. About 7 years after disposal of the Writ Petition, the petitioner again filed a representation on 19.05.2023, seeking the benefit of compassionate appointment. The OA was registered and numbered as OA No. 276 of 2024, and has been dismissed by the Tribunal on 07.03.2024 by taking

note of the above sequence of events and there by finding the petitioner's approach to the Tribunal being barred by limitation. The Tribunal has also taken note of the fact that the claim of compassionate appointment is not an indefeasible right. The concept is guided by a policy to provide succor to a family of government employee left in penury by sudden loss of the bread earner. The petitioner's claim was thus found to be suffering from delay and procrastination since the claim was not raised before the Tribunal within time, and was raised 8 years after disposal of the WPCT No. 30 of 2015 as a result the petitioner was before the Tribunal after a gap of 24 years from the date of demise of his father, seeking a benefit of compassionate appointment. The Tribunal thus found the petitioner disentitled to the claim.

9. Since petitioner's case was considered thrice and points based on the indigency parameters was much below the last person offered appointment of compassionate grounds, the Tribunal has taken into consideration this aspect to conclude that financial hardship was not so grave. The Tribunal has also considered the fact that OA was filed in the year 2024, i.e. after a gap of about 9 years from last rejection of his claim for compassionate appointment on 28.10.2013; and that the claim for

compassionate appointment related to unfortunate demise of the applicant/petitioner's father on 01.07.2000, about 24 (Twency four) years ago.

10. It is by now settled legal proposition that by filing representation after representation a stale claim cannot be revived. In this connection we refer to a decision of the Supreme Court in the Case of ***Surjit Singh Sahni v. State of Uttar Pradesh & Ors reported in 2022 SCC On Line SC 249***, where in the apex Court has observed that the making of representation/s does not extend the period of limitation and that the aggrieved person has to approach the concerned authority as expeditiously as possible within a reasonable time. We therefore find no infirmity in the conclusion of the Tribunal that the petitioner's belated claim for compassionate appointment was unsustainable on the ground of limitation as contained in Section 21 of the Administrative Tribunals Act 1985.

11. We find no infirmity in the decision of the Tribunal considering the settled legal position as regards a belated claim for the benefit of compassionate appointment. The decision of the Tribunal has not occasioned any injustice and in our opinion, does not require any interference by invoking judicial review under Article 226 of the Constitution of India.

12. The writ petition is dismissed.
13. All parties shall act on the basis of server copy of this order duly downloaded from the official website of this Hon'ble High Court.
14. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties expeditiously after complying with all requisite formalities.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)