

MAT 1685 of 2025
with
IA No. CAN 1 of 2025
and
IA No. CAN 2 of 2025
(Panchanan Sarkar Vs. The State of
West Bengal & Ors.)

Mr. Kazi Ardan Ali

... For the appellant

Mr. Nilay Baran Mandal

... For the State respondents

Mr. Avishek Prasad

Mr. Sourodeep Singha

..... For the DPSC, Malda

The present appeal has been preferred challenging an order dated 20th May, 2025 passed by the learned single Judge in the writ petition being WPA 9336 of 2025 which was preferred by the writ petitioner, namely, Panchanan Sarkar (in short, Panchanan) challenging the inaction on the part of the respondents to consider his claim for compassionate appointment.

The following the facts are not in dispute. Panchanan's father was a Head Teacher in a primary school. He died in-harness on 9th March, 1978. At that time, Panchanan's mother, namely, Tarubala Sarkar (in short, Tarubala) submitted representations for grant of compassionate appointment to Panchanan on 5th March, 1980 and again on 4th March, 1983. Upon attaining majority, Panchanan

submitted applications for grant of compassionate appointment on 29th December, 1993 and again on 8th April, 1994. As the same were not considered, a writ petition was preferred which was disposed of by an order dated 24th December, 1997 directing the authority concerned consider the representations and to pass a reasoned order, in accordance with law. As the said order was not being complied with, Panchanan preferred a fresh writ petition in the year 2025 being WPA 9336 of 2025 which has been dismissed by the order impugned in the present appeal.

Upon hearing the learned advocates appearing for the respective parties and considering the materials on record, we are satisfied with the explanation given towards delay in preferring the present appeal. Accordingly, such delay is condoned. The application being CAN 1 of 2025 is, accordingly, disposed of and the appeal is taken up for final hearing.

Mr. Ali, learned advocate appearing for the appellant submits that the respondents failed to discharge their statutory obligation towards consideration and disposal of the representations submitted by Panchanan. The respondents simply maintained a deceptive silence. In view thereof, the delay, which had occurred is attributable to the

respondents and for their inaction, Panchanan cannot be made to suffer. Such argument, as advanced, was glossed over by the learned single Judge and no finding was returned on the same.

Placing reliance upon the judgment delivered in the case of *Union of India & Ors. Vs. Tarsem Singh* reported in (2008) 8 SCC 648, Mr. Ali submits that non-consideration of Panchanan's application constitutes a continuing wrong. The learned single Judge, however, dismissed the writ petition without considering such proposition of law, as urged.

He contends that there was no period prescribed towards submission of an application for compassionate appointment. Pursuant to the order dated 24th December, 1997 passed in the earlier round of litigation, a hearing was conducted but no final order was passed. Panchanan's claim for compassionate appointment was already in process when he attained majority and it could not have been abandoned midway. In support of such contention reliance has been placed upon a judgment delivered in the case of *Gopal Mondal & Ors. Vs. The State of West Bengal & Ors.*, reported in (2012) 2 CHN 705.

Mr. Mondal, learned advocate appearing for the State respondents submits that Panchanan's father expired in the year 1978 when Panchanan was only 2

years old. Question of grant of any compassionate appointment cannot be considered at this stage after more than four decades.

Mr. Prasad, learned advocate appearing for the Council submits that admittedly Panchanan was a minor at the time of death of his father in the year 1978 and was not eligible to be considered for compassionate appointment on the said date. It also cannot be urged that his claim continued to subsist indefinitely. In support of such contention reliance has been placed upon a judgment delivered in the case of *Jagdish Prasad Vs. State of Bihar & Anr.*, reported in (1996) 1 SCC 301.

We have heard the learned advocates appearing for the respective parties and considered the materials on record.

The object of compassionate appointment is to provide succor to the dependent members of the deceased and to mitigate the financial hardships faced by them for the untimely death of their bread earner. It is also well settled that compassionate appointment cannot be claimed as a matter of right. On the date of death of his father, Panchanan was admittedly a minor and he was not eligible to be considered for compassionate appointment on the said date. As no right accrued in favour of

Panchanan, it cannot be urged that there was any continuing wrong and as such the judgment delivered in the case of *Union of India & Ors. (supra)* is distinguishable. No recommendation of any authority was subsisting in favour of Panchanan and as such the judgment delivered in the case of *Gopal Mondal & Ors. (supra)* also has no manner of application.

In the said conspectus, the learned single Judge rightly refused to exercise discretion in favour of the appellant and dismissed the writ petition. We do not find any infirmity in the order impugned warranting interference in the present appeal.

Accordingly, the appeal and the connection application for stay are dismissed.

There shall, however, be no order as to costs.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Partha Sarathi Chatterjee, J.) (Tapabrata Chakraborty, J.)