IN THE HIGH COURT AT CALCUTTA

CIVIL APPELLATE JURISDICTION
Appellate Side

06.10.2026
D/L. 25
Court No. 4
(Naba)

M.A.T. 1970 of 2025
With
CAN 1 of 2026

Anitendu Chakraborty
Vs.
The State of West Bengal & Ors.

Mr. Kamlesh Jha,
Md. Raihan Islam
...for the Appellant

1. Affidavit-of-service filed on behalf of the appellant is taken on record.
2. Heard the learned advocate for the appellant/writ petitioner.
3. The writ petitioner's father died-in-harness on 31.05.2001. The mother of the writ petitioner made an application for compassionate appointment on 03.10.2001. A claim in respect of the present appellant was made nearly 18 years thereafter by an application dated 09.01.2018. The claim was agitated by way of a writ petition filed six years thereafter. It is under such circumstance that the learned Single Judge Bench held that the claim raised in the writ petition regarding compassionate appointment, not to be enforceable on grounds of delay and laches.

4. The learned advocate for the appellant submits that the mother had timely made an application. Only when she crossed the age of superannuation and no action was taken by the authorities, they espouse the cause of the writ petitioner. On communication being made in this regard, authorities also asked the writ petitioner to submit documents for consideration. The authorities, therefore, are obliged to consider the appellant's claim for compassionate appointment.

5. The learned advocate for the appellant placed reliance on decision of the Co-ordinate Bench in the case of ***The State of West Bengal & Ors. Versus Pravat Kumar Pal & Ors. in MAT 1770 of 2015***. The Judgement of the Co-ordinate Bench is dated 31.07.2003.

6. We have considered the submission of the learned advocate for the appellant and the Judgement relied upon.

7. In our opinion, the same does not enure to the appellant's benefit. In the case of ***Pravat Kumar Pal*** *(supra)*, there was no such inordinate delay, as was found by the learned Single Judge Bench in the present writ proceeding. The writ petitioners therein were pursuing the matter since many years and earlier order was passed in the writ proceeding finally determining the entitlement

of the writ petitioner for consideration. It is in this context that the Co-ordinate Bench passed the order relied upon by the learned advocate for the appellant.

8. As noted above, in the present case, there is a long delay in raising a claim for compassionate appointment.

9. We consider it apposite to refer to recent decision of the Hon'ble Supreme Court of India in the case of ***State of West Bengal Vs. Debabrata Tiwari & Ors.*** reported in ***(2025) 5 SCC 712***, wherein the Hon'ble Supreme Court of India has held that the concept of immediacy is to be accorded primacy in the claim for a compassionate appointment. The Judgement clearly lays down the law that in such cases, where there is a long delay, there is no scope for consideration for grant of a benefit of compassionate appointment.

10. Considering the facts and circumstances above, the recent decision of the Hon'ble Apex Court, we find no merit in the appeal.

11. The appeal being MAT 1970 of 2025 is dismissed.

12. Connected application also stands disposed of accordingly.

13. There will be no order as to costs.

14. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all formalities.

(Madhuresh Prasad, J.)

(Anuj Singh, J.)