

GAHC010003942016



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WA/121/2023

SRI PUTUL NATH @ PUTUL CHANDRA NATH
S/O LT. HARENDRA NATH, R/O VILL. CHAKCHAKA BAZAR, P.S. SORBHOG,
DIST. BARPETA, ASSAM.

VERSUS

THE STATE OF ASSAM and 3 ORS
REPRESENTED BY THE SECY. TO THE GOVT. OF ASSAM, PUBLIC HEALTH
ENGINEERING L.R. DEPTT., DISPUR, GUWAHATI-6

2:THE DY. COMMISSIONER
DIST- BARPETA

3:THE CHAIRMAN
DISTRICT LEVEL SELECTION COMMITTEE ON COMPASSIONATE
GROUND
BARPETA
ASSAM

4:THE CIRCLE OFFICER
BAMNAGAR
REVENUE CIRCLE
SORBHOG
P.O. and P.S. SORBHOG
DIST- BARPETA
ASSA

Advocate for the Petitioner : MR. M B U AHMED

Advocate for the Respondent : MS. M. BHATTACHARJEE, ADDL. SR. GA, ASSAM

**BEFORE
HONOURABLE THE CHIEF JUSTICE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

ORDER

Date : 19-04-2023

(Sandeep Mehta, CJ)

This intra-court appeal is directed against the order dated 10.06.2015, whereby WP(C) 2302/2015 seeking a direction to consider the case of the petitioner/appellant for appointment on compassionate basis was dismissed.

Learned counsel Mr. M. B. U. Ahmed, representing the appellant vehemently and fervently contended that the appellant's father, Sri Harendra Nath was serving as a Lat Mandal in Bamnagar Revenue Circle, District Barpeta, Assam, who expired on 10.09.1995 while in service. The appellant filed an application on 22.12.1996 seeking compassionate appointment in place of his father. It is claimed that process on the application was started, but was never completed. It is further submitted that the application seeking compassionate appointment was forwarded to the respondent no. 1, i.e. Secretary, Public Health Engineering Department, which was responded vide letter dated 14.05.2009 indicating that no vacancy for compassionate appointment existed in Grade-IV category and the quota for the year 1999 had been filled in. The appellant claims that he was waiting in expectation that his case would be considered as and when vacancy arose. However, despite waiting for five years, no response was forthcoming, upon which the appellant submitted a representation dated 28.03.2001 before the respondent no. 2, i.e. Deputy Commissioner, Barpeta, with a prayer to appoint him on a Grade-IV post. The said representation was also not considered. The appellant thereafter claims to have come across the constitution of a District Level Selection Committee for appointment on compassionate ground as per the Gauhati High Court's order dated 03.08.2006, passed in WP(C) 3875/2005 and also that vacancies had arisen and, accordingly, he filed a fresh representation dated

26.10.2009, but to no avail. Upon this, the appellant preferred the captioned writ petition, which has been dismissed by order dated 10.06.2015, which is assailed in this intra-court appeal.

We have considered the submissions advanced by the learned counsel Mr. M.B.U. Ahmed, representing the appellant and Ms. M. Bhattacharjee, learned Additional Senior Government Advocate, Assam, representing the respondents, and have perused the material on record.

Ex-facie, we find that the claim of the appellant seeking compassionate appointment is misplaced. First and foremost, it may be noted that the forwarding letter dated 26.10.1998, issued from the office of the Circle Officer, Bamnagar Revenue Circle clearly indicates that the elder brother of the applicant (writ appellant) was serving in the Police Department. Law is well settled that compassionate appointment is not a regular mode of recruitment, rather it is an exception intended to provide instant financial relief to the family of the deceased government servant and to tide them over from distress and penury. The appellant has nowhere indicated that the terminal benefits pursuant to the death of his father were not disbursed to the wife of the deceased employee, i.e. mother of the appellant. The fact further remains that the appellant's brother was serving in Police Department and, thus, the claim of the appellant that it is he, who was maintaining the family, is absolutely unfounded. The first application for compassionate appointment was filed by the writ petitioner/appellant way back in the year 1996 and the writ petition no. WP(C) 2302/2015 came to be filed in the year 2015. Apparently, thus, the appellant has survived for all these years without any manifest financial distress. Hence, the claim of the appellant seeking compassionate appointment is hit by delay as well as by the fact that another son of the deceased employee was gainfully employed in government service.

In view of the above discussion, we find no reason to interfere with the impugned order dated 10.06.2015, passed by the learned Single Judge in WP(C)

2302/2015. Hence, the writ appeal fails and is dismissed as being devoid of any merit.

No order as to costs.

JUDGE

CHIEF JUSTICE

Comparing Assistant