

GAHC010045672022



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

Case No. : WP(C)/1891/2022

MONAI KHAKLARY
S/O- LATE MOLIN CH. KHAKLARY @ MALIN KHAKLARY
R/O- PABHAJAN HAZARI GAON,P.O-BARPATHAR, DIST- GOLAGHAT,
ASSAM, PIN-785602

VERSUS

THE UNION OF INDIA AND 3 ORS
REP. BY THE SECRETARY TO THE MINISTRY OF HOME AFFAIRS, GOVT. OF
INDIA, SASTRI BHAWAN, NEW DELHI- 110001.

2:BORDER SECURITY FORCE
REP. BY THE DIRECTOR GENERAL
BLOCK NO. 10
CGO COMPLEX
LODHI ROAD
NEW DELHI-03

3:THE COMMANDANT
BORDER SECURITY FORCE
HEADQUARTERS 163 BN BSF
PANTHACHOWK
JAMMU AND KASHMIR
PIN-191101

4:THE DEPUTY COMMANDANT
BORDER SECURITY FORCE
HEADQUARTERS 163 BN BSF
PANTHACHOWK
JAMMU AND KASHMIR
PIN-19110

Advocate for the Petitioner : MR. M DUTTA

Advocate for the Respondent : ASSTT.S.G.I.

**BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

Date : 24/07/2023

Heard Mr. M. Dutta, learned counsel for the writ petitioner. Also heard Ms. B. Sarma, learned CGC, appearing for the respondents.

The petitioner's father was serving as Head Constable under the Border Security Force (BSF) 163 Bn. He died in harness on 21/09/2017. Having lost the sole bread earner of the family, the petitioner being his son, submitted his application on 02/11/2017 praying for appointing him on compassionate ground. However, despite receipt of such application, no order of appointment has been issued till today. Hence, this writ petition.

Ms. B. Sarma, learned CGC, on the other hand, submits that the authorities have received the application submitted by the petitioner but due to non-availability of certain vital documents including the Pension Payment Order (PPO) applicable in this case, there has been some delay in processing the same. It is also the submission of Ms. Sarma that not only the petitioner, even his sister, viz. Promy Khaklary had submitted an application on 14/09/2020 seeking appointment on compassionate ground. However, as per the scheme, two persons cannot be appointed on compassionate ground from the same family and on account of the death of same person. Ms. Sarma, therefore, sums up her arguments by contending that unless these issues are resolved, it will be difficult for the authorities to take a final decision in the matter.

Mr. Dutta, learned counsel for the petitioner has responded by submitting that his sister Ms. Promy Khaklary has withdrawn her application and the petitioner would also furnish all necessary documents before the authorities for processing his application for appointment on compassionate ground. It is also the submission of Mr. Dutta that the petitioner's sister, viz. Promy Khaklary has already submitted an affidavit along with the letter dated 07/11/2022 clarifying that she is no longer pursuing the application for appointment on compassionate ground.

After hearing the submissions of learned counsel for both the sides, this Court is of the opinion that there is no serious opposition to the relief prayed for by the petitioner. It appears that merely due

to some procedural reasons, the application of the petitioner for appointment on compassionate ground could not be finalized till today.

In view of the above and as agreed to by the learned counsel for both the sides, this writ petition stands disposed of by providing that within one month from today, the petitioner would appear before the competent authority i.e. the respondent no. 3 and furnish all necessary documents, as may be required, for processing his application for appointment on compassionate ground. Facilitating the above, the respondents shall intimate the petitioner the documents required to be submitted by him within two weeks from today. Ms. Sarma, learned CGC would take all necessary steps on that behalf.

On receipt of all such documents, the application of the petitioner for appointment on compassionate ground be processed and a final order be passed in respect thereof, as expeditiously as possible, but not later than 3 (three) months thereafter.

With the above observations, the writ petition stands disposed of.

JUDGE

sukhamay

Comparing Assistant