

GAHC010052012022



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

Case No. : WP(C)/1982/2022

JUNTI SAIKIA
D/O. LT. LACHIT SAIKIA, VILL. JUNALI NAGAR, SILAPATHAR, DIST.
DHEMAJI.

VERSUS

THE STATE OF ASSAM AND 6 ORS
REP. BY THE CHIEF SECRETARY TO THE GOVT. OF ASSAM, DISPUR,
GUWAHATI-06.

2:CHIEF SECRETARY STATE OF ASSAM

CUM CHAIRMAN
STATE LEVEL SELECTION COMMITTEE
DISPUR
GUWAHATI-06.

3:PRINCIPAL SECRETARY
TO THE GOVT. OF ASSAM
IRRIGATION DEPTT.
DISPUR
GUWAHATI-06.

4:COMMISSIONER SECRETARY
TO THE GOVT. OF ASSAM
IRRIGATION DEPTT.

5:DEPUTY SECRETARY
TO THE GOVT. OF ASSAM
IRRIGATION DEPTT.

6:CHIEF ENGINEER

IRRIGATION DEPTT.
CHANDMARI
GUWAHATI-03.

7:EXECUTIVE ENGINEER IRRIGATION DEPTT.

DHEMAJI DIVISION
DHEMAJI

Advocate for the Petitioner : MR. D P CHALIHA

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

Date : 20.02.2023

Heard Mr. D. P. Chaliha, learned senior counsel assisted by Ms. M. Roy, learned counsel for the petitioner. Also heard Ms. S. Baruah, learned counsel for the respondent Nos. 1 & 2 and Mr. N. Upadhayay, learned counsel for the respondent Nos. 3 to 7.

The claim of the petitioner is that the application for appointment on compassionate ground pursuant to the death of the father of the petitioner who died-in-harness on 10.12.2016 was rejected by the State Level Committee on the ground that in terms of Para- 1 of the O.M. dated 01.06.2015 that any person who died-in-harness and who had less than three years of service cases of their dependents will not be considered for granting the benefit of compassionate appointment. The learned senior counsel for the petitioner placing reliance on an order dated 30.01.2023 rendered by a Co-ordinate Bench of this Court in a bunch of writ petitions where the lead case is WP(C) No. 1646/2021, submits that this Court had already interfered with that Para- 1 of the O.M. dated 01.06.2015 as being ultra vires and the same has been set aside and quashed.

The learned senior counsel for the petitioner submits that the case of the petitioner is squarely covered and is on similar facts as the WP(C) No. 5883/2021 which was also one of the writ petitions taken up by the Co-ordinate Bench of this Court while rendering the common Judgment and Order dated 30.01.2023.

It is submitted that in view of the order of this Court setting aside and interfering with the Para- 1 of the O.M. dated 01.06.2015, the matter needs to be re-considered by the State Level Committee.

The learned counsel for the respondents does not dispute the position as submitted by the learned counsel for the petitioner. It is also submitted by the learned Government Counsel that no further appeal has been preferred against the judgment as on date.

Since, this Court has already vide the Judgment and Order dated 30.01.2023 passed in WP(C) No. 1646/2021 and other connected writ petitions had declared Para- 1 of the O.M. dated 01.06.2015 to be ultra vires and the same have been set aside, there is no reason as to why the benefit should not be conferred on the petitioner although the decision of the State Level Committee was prior to the Judgment rendered.

Since this Court had declared Para-1 of the OM dated 01.06.2015 vide Judgment and Order dated 30.01.2023, this Court is of the view that the matter needs reconsideration by the State Level Committee. Accordingly, the minutes of meeting dated 15.09.2021 of the State Level Committee is hereby interfered with insofar as the petitioner is concerned, and the matter is remanded back to the State Level Committee to re-consider the case of the petitioner in terms of the Judgment and Order dated 30.01.2023 passed by this Court in WP(C) No. 1646/2021 and other connected writ petitions.

The State Level Committee will re-decide the matter insofar as the petitioner

is concerned within a period of 4(four) weeks from the date of receipt of the certified copy of this order.

Accordingly, the writ petition is disposed of in terms of the above.

JUDGE

Comparing Assistant