

GAHC010055072019



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

Case No. : Cont.Cas(C)/204/2019

ABDUL MANNAN
S/O- LT SAMBAR ALI, R/O- VILL AND P.O. BARIKA CHUBURI, TEZPUR,
DIST- SONITPUR, ASSAM, PIN- 784001

VERSUS

ARUNA RAJORIA
IAS, COMM. AND SECY., TO THE GOVT. OF ASSAM, REVENUE AND
D.M.L.R. DEPTT., DISPUR, GHY-6

Advocate for the Petitioner : MD. I HUSSAIN

Advocate for the Respondent : MR. D SAIKIA

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

27-06-2023

None appears for the petitioner on call. Heard Mr. J. Handique, learned counsel for the sole respondent.

Mr. J. Handique, learned counsel for the sole respondent submits that the direction of this Court passed in WP(C) No.4217/2017 by order dated 17.08.2018 has

been complied with. This Court by the order dated 17.08.2018 passed in WP(C) No.4217/2017 had passed the following order:

“As agreed to by the counsels for the parties, this case is taken up for final disposal at the Admission stage itself.

Matter pertains to claim for appointment on compassionate ground. Petitioner's father died-in-harness on 19.12.2010, whereafter he made application on 7.1.2011 seeking appointment on compassionate ground against Grade-IV vacancy. The District Level Committee made recommendation in favour of the petitioner on 18.2.2012. As final approval was required of the State Level Committee, the recommendation made by the District Level Committee was placed before it, however, after about a period of 5 years. In the meeting of the State Level Committee dated 27.2.2017, the impugned decision was taken not to accede to the recommendation on ground that the proposal made by the District Level Committee had spent its force.

A perusal of the basic facts above clearly goes to show that delay, if any, cannot be attributed on account of any action of the petitioner. It is seen that application for appointment was made within time, whereupon the District Level Committee had also made favourable recommendation way back on 18.2.2012. Surprisingly, the matter was placed before the State Level Committee only on 27.2.2017, which is after more than 5 years. The State Level Committee instead of considering the case of the petitioner on merit, have taken a technical view of the matter, thereby rejecting the recommendation made by the District Level Committee. Absence of due application of mind is manifest.

Having regard to the above, the present writ petition stands allowed by interfering with the decision of the State Level Committee taken on 27.2.2017, in so far as the present petitioner is concerned. Having held thus, a direction is made to the Commissioner & Secretary to the Government of Assam, Revenue & Disaster Management (LR) Department i.e. respondent no.1 to place the matter before the State Level Committee in its very next sitting for fresh consideration of the case of the petitioner purely on merits and having regard to the recommendation made by the District Level Committee.”

Learned counsel for the respondent submits that an affidavit-in-opposition has

been filed on behalf of the sole respondent on 07.06.2019 and by referring to Annexure-C of the said affidavit, learned counsel for the respondent submits that in terms of the direction of this Court passed in WP(C) No.4217/2017 on 17.08.2018 the case of the petitioner was placed before the State Level Committee in its meeting held on 20.08.2018. The name of the petitioner appeared at serial no.2 and the SLC vide the same meeting did not recommend the name of the petitioner "*as the proposal has spent force*".

Considering the above, this Court is of the view that the directions of the order dated 17.07.2018 passed in WP(C) No.4217/2017 has been complied with.

Accordingly, the contempt petition stands closed.

JUDGE

Comparing Assistant