

GAHC010059612023



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

Case No. : WP(C)/2181/2023

BHASKAR DAS
S/O LATE BOLORAM DAS, VILL AND P.O.-JAMTOLA, P.S.-RANGIA, DIST-
KAMRUP, ASSAM, PIN-781365

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, IRRIGATION DEPARTMENT, DISPUR, GUWAHATI-6

2:THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM
PERSONNEL (A) DEPARTMENT
DISPUR
GHY-06

3:THE EXECUTIVE ENGINEER
RANGIA DIVISION (IRRIGATION)
RANGIA
DIST-KAMRUP

4:TEH DEPUTY COMMISSIONER
KAMRUP
CHAIRMAN
DISTRICT LEVEL COMMITTEE
KAMRU

Advocate for the Petitioner : MR. B K DAS

Advocate for the Respondent : SC, IRRIGATION

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

Date : 08/11/2023

Heard Mr. S. Sarmah, learned counsel for the petitioner. Also heard Mr. J. K. Goswami, learned additional Government Advocate for respondent 2 and 4 and Ms. D. S. Neog, learned counsel for the respondent Nos.1 and 3.

2. This writ petition is filed by the petitioner praying for a direction to the respondent authorities to consider his claim which is stated to have been submitted for appointment under the compassionate scheme. The petitioner's father was serving as a Grade-IV employee under the establishment of the Executive Engineer, Irrigation Department, Rangia. The petitioner's father was expired on 27.11.2011. Thereafter the petitioner being his son, he submitted his application for appointment on compassionate scheme as his father expired on 27.11.2011 while on service. Because of the death of the father, who was the sole earning member, the petitioner's family suffered great financial distress and other misfortunes. Petitioner by that time has completed his Higher Secondary from Madhaya Panduri Higher Secondary in the year 2005. Although the application was submitted by the petitioner, but the same was considered and rejected by the minutes of the District Level Committee (DLC) vide order dated 30.01.2014. It is submitted that the District Level Committee (DLC) while rejecting his claim did not consider the vacancies available in the respective departments and his claim for compassionate appointment was rejected without the department considering the vacancies available.

3. Under such circumstances, he approached that authority and file several applications. His application dated 11.08.2019 has remained pending which is

not been disposed of. It is submitted that the said application made to the Executive Engineer, Rangia Division (Irrigation) Department, which was forwarded to the Deputy Commissioner, Kamrup (R). Thereafter another representation dated 02.08.2021 was filed before the Executive Engineer, Rangia Division, (Irrigation) Department but no response has been received from the respective department.

4. This Court earlier permitted the respondents to obtain their instructions in the matter. Today when the matter is called up, Mr. J. K. Goswami, learned Additional Government Advocate submits that the instructions are still awaited and he seeks further time to complete his instructions.

5. Considering the prayers made in the writ petition that his grievance is directed against the non consideration of his applications filed before the authorities, and in view of the fact that no instructions are forthcoming from the respective department, this Court does not consider it necessary to keep the writ petition pending. Accordingly, this writ petition stands disposed of in terms of the following directions.

6. The respondent authorities more particularly, the Deputy Commissioner, Kamrup, (R), who is the Chairman of the District Level Committee will consider the application stated to have been filed by the petitioner and forwarded by the Executive Engineer, Rangia Division (Irrigation) and pass necessary orders on the same. If any orders, in the meantime, have already been passed, then a copy of the same be furnished to the petitioner.

7. The entire exercise be completed within a period of 60 (sixty) days from the date of receipt of the certified copy of this order.

8. Writ petition is accordingly stands disposed of in terms of the above. No

order as to cost.

JUDGE

Comparing Assistant