

GAHC010059902023



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

Case No. : WA/120/2023

DHANJIT DAS
S/O LATE NIRMAL DAS , R/O VILLAGE GOSANI MATH , P.O.-
CHAMPAKNAGAR, P.S- CHHAYGAON, DIST- KAMRUP, ASSAM, PIN-781124

VERSUS

THE STATE F ASSAM AND 5 ORS. E
REP BY THE THE COMMISSIONER AND SECRETARY, TO THE
GOVERNMENT OF ASSAM, DEPARTMENT OF HOME AFFAIRS DISPUR,
GUWAHATI, ASSAM-781006

2:THE DIRECTOR GENERAL OF POLICE
ASSAM
ASSAM POLICE HEAD QUARTERS
ULUBARI
GUWAHATI-781007
ASSAM

3:THE DEPUTY INSPECTOR GENERAL OF POLICE
(MPC)
ASSAM POLICE HEAD QUARTERS
ULUBARI GUWAHATI-781007
ASSAM

4:THE SUPERINTENDENT OF POLICE
KAMRUP (M) PANBAZAR
GUWAHATI-01

5:THE STATE LEVEL COMMITTEE
FOR APPOINTMENT ON COMPASSIONATE GROUND
REP. BY THE CHIEF SECRETARY TO THE GOVT. OF ASSAM
DISPUR GUWAHATI-06

6:THE DISTRICT LEVEL COMMITTEE
FOR APPOINTMENT UNDER COMPASSIONATE GROUND REP. BY THE
THE DEPUTY COMMISSIONER
KAMRUP (M) DIST- KAMRUP (M)
PIN-781001 ASSA

For the appellant : Mr. S.B. Laskar, Advocate

For the respondents : Ms. R.B. Bora,
Govt. Advocate, Assam

– B E F O R E –

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE MITALI THAKURIA

04-04-2023

S. Mehta, C.J.

The appellant, Sri Dhanjit Das has approached this Court by way of this writ appeal for assailing the order dated 19.09.2022 passed by the learned Single Judge dismissing the writ petition, being, WP(C) 968/2022 filed by the appellant with a prayer to direct the respondent authorities to consider his application for appointment on compassionate ground pursuant to death of his father Nirmal Das, erstwhile Driver Constable in the Bureau of Investigation (Economic Offences), Assam, who died-in-harness on 26.01.1999. The prayer for compassionate appointment was made in terms of the Government policy notified by the Office Memorandum dated 01.06.2015 of the Personnel Department, Government of Assam.

We have heard and considered the submissions advanced by the learned counsel for the writ appellant and have gone through the materials available on record.

A perusal of the impugned order would reveal that the appellant claimed that after the death of his father, his mother applied for compassionate appointment by way of an application dated 04.01.2000. However, no response was forthcoming to the

said application whereupon, the petitioner submitted his claim seeking compassionate appointment upon attaining the majoring w.e.f. 01.01.2013. However, when no action was forthcoming on his application dated 13.09.2013, the appellant filed the aforestated writ petition seeking a direction upon the authorities, as mentioned above.

Having considered the entirety of the facts and circumstances as available on record, we find that the reasons assigned by the learned Single Judge while dismissing the writ petition submitted by the petitioner are apposite and based on appropriate appreciation of the factual and legal matrix involved in the case. The appellant's father admittedly expired in the year 1999. If at all, the application of the appellant's mother (wife of the employee) was not entertained favourably, the appropriate course of action would have been to approach this Court at that point of time. However, no such step was taken. Even as per the petitioner's own case, he filed the first application seeking compassionate appointment on 13.09.2013 and the writ petition came to be submitted in the year 2022 raising a grievance that the application was not considered.

Law is well settled by a catena of judgments rendered by the Hon'ble Supreme Court that compassionate appointment is a means of providing relief from immediate financial distress to the family of the government employee who, being the sole breadwinner, dies-in-harness. This is a means to prevent the dependents of the employee from penury and to provide them immediate relief to tide over the sudden crisis that has befallen on the family due to demise of the sole breadwinner in the family.

The family of the employee Shri Nirmal Das having survived for almost 14 (fourteen) years without any difficulty, the highly belated claim for compassionate appointment made by the writ appellant could not have been entertained. Furthermore, the appellant has miserably failed to explain the delay of almost 8(eight) years in filing the writ petition pursuant to alleged non-consideration of his application dated 13.09.2013.

In this view of the matter, we do not find any reason to interfere with the well-reasoned order of the learned Single Judge dated 19.09.2022. Hence, the writ appeal fails and the same is dismissed in *limine*.

JUDGE

CHIEF JUSTICE

Comparing Assistant