

GAHC010079952023



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

Case No. : WP(C)/2349/2023

PRANJAL KONCH
S/O LATE DIBAKAR KONCH, VILL-JUNAKI NAGAR, SILAPATHAR NO. 1
CHILA PATHAR BLOCK (PART), SISSIBARGAON, DHEMAJI, 787059, ASSAM

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVT. OF ASSAM,
DISPUR, GUWAHATI-781006, ASSAM

2:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
ASSAM
IRRIGATION DEPARTMENT
DISPUR
GUWAHATI-781006
ASSAM

3:THE CHAIRMAN
STATE LEVEL COMMITTEE
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT OF
ASSAM
DISPUR
GUWAHATI-781006
ASSAM

4:THE CHIEF ENGINEER
IRRIGATION DEPARTMENT
CHANDMARI
GUWAHATI-781003
ASSAM

5:THE EXECUTIVE ENGINEER

DHEMAJI JONAI DIVISION IRRIGATION DEPARTMENT
DHEMAJI
DIST-DHEMAJI
ASSAM

6:THE DISTRICT LEVEL COMMITTEE
REPRESENTED BY THE DEPUTY COMMISSIONER
DHEMAJI
ASSA

Advocate for the Petitioner : MR P R SARMA

Advocate for the Respondent : SC, IRRIGATION

BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM

ORDER

Date : 15-05-2023

Heard Mr. D. Medhi, learned counsel for the writ petitioner.

The grievance of the writ petition is that his application for appointment on compassionate ground has not been considered till today. It appears that the father of the petitioner died-in-harness on 30-09-2004 leaving behind the petitioner and his mother and other siblings. After the death of his father, the petitioner had submitted an application dated 26-08-2005 before the concerned authority, *i.e.* Executive Engineer, Dhemaji Jonai Division of Irrigation Department seeking appointment on compassionate ground. However, no action was taken by the authorities on the said application. Thereafter, the petitioner had once again submitted an application seeking appointment on compassionate ground on 11-02-2013 and therefore, again on 17-02-2013, but the same also did not evoke any response. This writ petition has, therefore, been filed with a

prayer to issue a direction upon the respondents to consider the application for compassionate appointment submitted by the petitioner.

Ms. S. Baruah, learned Govt. Advocate, Assam as well as Ms. D.S. Neog, learned standing counsel, Irrigation Department, Assam appearing for the respondent Nos. 2, 4 and 5 have submitted that the application submitted by the petitioner cannot be considered at this distant point of time, since the very purpose of the scheme for compassionate appointment was to provide immediate relief to the family members of the deceased employee. The aforesaid submission of the respondents' counsel could not be denied by the learned counsel appearing for the writ petitioner.

There can be no denial of the fact that the scheme floated by the Govt. for compassionate appointment does not confer any indefeasible right upon any individual but the scheme is aimed at providing immediate relief to the family members of the deceased employee, which has lost the sole bread earner. If an application seeking compassionate appointment is entertained nearly two decades after the death of the employee, as in the present case, then the same would not only defeat the basic objective of the scheme but also infringe upon the rights of other candidates seeking employment in Govt. service based on a competitive selection process.

It is also to be noted in this case that the father of the petitioner had died in the year 2004 and for nearly 19 years, the petitioner has survived without any Govt. job. This Court, therefore, finds force in the submission of learned departmental counsel that no direction can be issued, at this distant point of time, to consider the application submitted by the petitioner for appointment of compassionate ground.

In view of the above, this writ petition is held to be devoid of any merit and the same is accordingly, dismissed.

JUDGE

GS

Comparing Assistant