

GAHC010085202023



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

Case No. : WP(C)/2202/2023

DEEPAMONI HAZARIKA @ DEEPMONI BORA HAZARIKA
WIFE OF LATE DIPAK BORAH,
RESIDENT OF MAYENG NARAH PATH,
WARD NO. 3,
P.O. AND P.S.- DHEMAJI,
DISTRICT- DHEMAJI, PIN- 787057,
ASSAM.

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM,
IRRIGATION DEPARTMENT, ASSAM,
DISPUR, GUWAHATI-6.

2:THE DIRECTOR OF ACCOUNTS AND TREASURIES
ASSAM
KAR BHAWAN
DISPUR
GHY-6.

3:THE CHIEF ENGINEER
IRRIGATION DEPARTMENT
ASSAM
CHANDMARI
GUWAHATI-3.

4:THE EXECUTIVE ENGINEER
IRRIGATION DEPARTMENT
DHEMAJI DIVISION
DHEMAJI

PIN- 787057.

5:THE DEPUTY COMMISSIONER CUM CHAIRMAN OF DISTRICT LEVEL
COMMITTEE FOR COMPASSIONATE APPOINTMENT
DHEMAJI
DISTRICT- DHEMAJI

ASSAM 787057

Advocate for the Petitioner : MR. M K NEOG

Advocate for the Respondent : SC, IRRIGATION

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

15.09.2023.

Heard Shri MK Neog, learned counsel for the petitioner. Also heard Ms. M Bhattacharjee, learned Addl. Senior Government Advocate, Assam as well as Shri N Upadhyay, learned Standing Counsel, Irrigation Department, Assam.

- 2.** The issue involved is a claim for appointment on compassionate ground.
- 3.** It is the case of the petitioner that her husband, namely, Dipak Borah, was serving as Deputy Accounts Officer in the office of the Executive Engineer, Dhemaaji Irrigation Division, Dhemaaji, who had died-in-harness on 24.10.2009. The petitioner claims to have submitted an application for appointment on compassionate ground on 24.12.2009 which, however, was not placed before the DLC. Thereafter this petition has been filed.

4. This Court while issuing notice vide order dated 26.04.2023 made the following observations:

“ Although, this writ petition, prima facie, appear to be hit by the principles of delay and laches, yet, since the application was filed within time, this Court would like to ascertain the reason as to why, her application was never considered by the DLC, as alleged.

Mr. N. Upadhyay, learned Standing Counsel, Irrigation Department, Assam, prays for four

weeks time to obtain instruction in the matter.

Prayer allowed.

Issue notice of motion returnable in four weeks.”

5. Shri N Upadhyay, learned Standing Counsel, Irrigation Department submits on instructions that the deceased employee was admittedly a Deputy Accounts Officer and the application for appointment on compassionate ground was submitted before the Director of Accounts and Treasuries, Assam and therefore, he is not aware as to whether the same was placed before the District Level Committee (DLC). The application, however, appears to have been routed through the Executive Engineer, Dhemaji Division (Irrigation), Dhemaji and from Annexure-B, it appears that in the enclosed format, the said Executive Engineer had forwarded the same for onward consideration.

6. Ms. M Bhattacharjee, learned Addl. Senior Government Advocate, Assam

has submitted that instruction were sought for in terms of the earlier order dated 26.04.2023 with regard to the reason as to why the application was never considered by the DLC.

7. This Court has been informed that the application has never been reached the DLC for such consideration.

8. Though this Court had observed regarding the delay and laches on the part of the petitioner in approaching this Court, the query of this Court regarding the fate of the application has been answered by the learned counsel for the respondents in the aforesaid manner that the same was never placed before the DLC.

9. Under those facts and circumstances, this Court is of the view that interest of justice would be met if a consideration is made by the DLC of the case of the petitioner.

10. Accordingly, it is directed that the DLC would consider the case of the petitioner in its next meeting for her claim for appointment on compassionate ground. It is further made clear that since the matter has been kept pending at the hands of the authority, the factor of age would not come into the way of such consideration.

11. The writ petition stands disposed of in the manner indicated above.

JUDGE

Comparing Assistant