

GAHC010087382020



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

Case No. : WP(C)/2589/2020

DHRUBAJIT BARMAN AND ANR.
S/O- LATE BHABEN BARMAN, VILL- SUKEKUCHI, P.O- SOLMARA, DIST-
NALBARI, ASSAM

2: RAJ KR MAZI
S/O- LATE SUNDAR MAZI
B K KAKATI ROAD
ULUBARI AGRICULTURE COLONY
Q NO. 73(C)
ULUBARI
GUWAHATI- 0

VERSUS

THE STATE OF ASSAM AND 3 ORS
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT OF ASSAM,
AGRICULTURE DEPTT, DISPUR, GUWAHATI- 06

2:THE STATE LEVEL COMMITTEE
REP. BY THE CHIEF SECRETARY TO THE GOVT OF ASSAM
DISPUR
GUWAHATI- 06

3:THE EXECUTIVE ENGINEER (AGRICULTURE)
KAMRUP DIVISION
ULUBARI
GUWAHATI- 07

4:THE DEPUTY COMMISSIONER
KAMRUP AMINGAON CUM CHAIRMAN
DISTRICT LEVEL COMMITTEE
KAMRUP
AMINGAON
ASSA

Advocate for the Petitioner : R ALI

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

30-08-2023

Heard Mr. A.S. Sheikh, learned counsel for the petitioners. Also heard Ms. C. Bora, learned counsel for the respondent nos. 1 & 3 and Mr. C.K.S. Baruah, learned Government Advocate for the respondent nos. 2 & 4.

2. This writ petition is filed by the petitioners praying for appointments under the compassionate scheme. The father of the petitioner no.1, Late Bhaben Barman was working as a LDA/Junior Assistant in the office of the Executive Engineer (Agriculture), Kamrup Division, Ulubari and he died in harness on 18.01.2016 and the father of the petitioner no.2 late Sundar Mazi was working as a Truck Handyman in the said office who died in harness on 28.03.2004. Both the petitioners applied for appointments under the compassionate scheme.

3. The petitioner no.1 applied for Grade-IV post and the District Level Committee (DLC) by its meeting dated 01.03.2017 recommended the name of the petitioner for the Grade-IV post in the Office of the Executive Engineer (Agriculture), Kamrup Division. Initially, the application of the petitioner no.2 was rejected by the DLC on the ground that he did not submit the application within the stipulated time. Subsequently, it was pointed out that instead of 15.06.2004 the authority had wrongly calculated the date of application on 05.10.2013. Pursuant to the date of application, the DLC had reconsidered the

application of the petitioner no.2 and the name of the petitioner no.2 was also recommended for Grade-IV post in the office of the Executive Engineer, Agriculture, Kamrup Division. Thus, the names of both the petitioners were recommended by the DLC in its meeting dated 01.03.2017. Thereafter, the Additional Deputy Commissioner, Kamrup by its communication dated 07.04.2017 forwarded the names of the recommended candidates by the DLC to the Executive Engineer (Agriculture), Kamrup Division. The petitioners were informed about their recommendations of the DLC by the Office of Executive Engineer (Agriculture), Kamrup Division by its letter dated 03.05.2017. As per the scheme the cases of the petitioners were required to be placed before the SLC but inspite of their attempt to find out if their cases have been considered by the State Level Committee (SLC), no information was forthcoming from the Office of the respondents. The petitioners apprehend that their cases have not been considered by the SLC inspite of the recommendations made by the DLC in its meeting dated 01.03.2017 and the same having been forwarded by the competent authority.

4. Under such circumstances, the petitioners have approached this Court.
5. Ms. C. Bora, learned counsel for the respondent nos. 1 & 3 and Mr. C.K.S. Baruah, learned Government Advocate for the respondent nos. 2 & 4 submits that further time be granted to obtain instructions.
6. The writ petition has been carefully perused.
7. It is seen that the prayer in the writ petition is for a direction to the SLC to consider the case of the petitioners for appointment on compassionate ground in terms of the recommendations made by the DLC by its order dated 01.03.2017.
8. In that view of the matter, this Court is of the considered opinion that the

petition need not be kept pending for want of instructions from the respondents.

9. Accordingly, having heard the learned counsel for the parties, the writ petition stands disposed of with a direction to the respondent no. 2 to consider the claims of the petitioners in terms of the recommendations stated to have been made by the Additional Deputy Commissioner, Kamrup by the recommendation dated 07.04.2017. The SLC shall make an endeavour to pass necessary orders in terms of the prevalent scheme for appointment on compassionate ground in the next meeting of the SLC. In the event, the case of the petitioners have already been considered and orders thereon have already been passed by the SLC, copies thereof shall be served to the petitioners. If no such orders have yet been passed by the SLC, as directed, the SLC will consider the cases of the petitioners and pass a speaking order in their next meeting and inform the same to the petitioners by issuing a speaking order. It is expected that the next SLC meeting shall be held within a period of 4 (four) months from the date of receipt of a certified copy of this order. The petitioners shall furnish a copy of this order along with individual representations before the SLC.

10. The writ petition stands closed in terms of the above.

JUDGE

Comparing Assistant