

GAHC010102862022



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

Case No. : I.A.(Civil)/1561/2022

SMTI. PURNIMA TELEGU
W/O LT. DILIP TELEGU, R/O RAILWAY COLONY, MAIBANG, P.O. MAIBANG-
788831, P.S. MAIBANG, DIST. DIMA HASAO, ASSAM.

VERSUS

THE STATE OF ASSAM AND 4 ORS
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,
GENERAL ADMINISTRATION B DEPARTMENT, DISPUR, GUWAHATI-
781006.

2:THE DIRECTOR

GENERAL ADMINISTRATION B DEPARTMENT
DISPUR
GUWAHATI- 781006.

3:THE DEPUTY COMMISSIONER

DIMA HASAO DISTRICT
P.O. HAFLONG
DIST. DIMA HASAO
ASSAM
PIN - 788819.

4:THE SUB-DIVISIONAL OFFICER CIVIL
MAIBANG CIVIL SUB- DIVISION
P.O. MAIBANG - 788831 DIST. DIMA HASAO
ASSAM.

5:THE DISTRICT LEVEL SELECTION COMMITTEE
FOR COMPASSIONATE APPOINTMENT

DIST. DIMA HASAO
ASSAM THROUGH ITS CHAIRMAN
THE DEPUTY COMMISSIONER OF DIMA HASAO DISTRICT
HAFLONG
P.O. HAFLONG- 788819
DIST. DIMA HASAO
ASSAM

Advocate for the Petitioner : MR. M K BORAH

Advocate for the Respondent : GA, ASSAM

Linked Case : WP(C)/5044/2015

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P.O. HAFLONG- 788819
DIST. DIMA HASAO
ASSAM.

Advocate for : MR.P K DUTTA

Advocate for : GA

ASSAMR1-5 appearing for THE STATE OF ASSAM AND 4 ORS

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

Date : 25/09/2023

Heard Mr. M. K. Borah, learned counsel for the petitioner.

2. This Interlocutory Application is filed seeking restoration of W.P. (C)/5044/2015 which came to be dismissed for none prosecution vide order dated 25.07.2016 passed by this Court.

3. The matter pertains to compassionate appointment of the petitioner in the District of Dima Hasao. The petitioner's husband expired on 06.11.2013 leaving behind the applicant and a son and daughter. Pursuant thereto the applicant submitted an application for appointment under compassionate scheme. The same not being granted, the writ petition was filed, which however, came to be dismissed by order dated 25.07.2016.

4. The learned counsel for the petitioner submits that the dismissal of the

writ petition was never informed by the earlier engaged counsel, subsequently when the petitioner came to enquire about the status of a case, she came to be informed that the matter was dismissed for default. It is submitted that there was no fault on the part of the applicant which laid to the dismissal of the writ petition for default.

5. The learned counsel for the petitioner submits that she had never been informed by the the then engaged counsel regarding the status of the matter and as such she has appeared before this Court on immediately upon being informed that the writ petition was dismissed by filing the instant Interlocutory Application.

6. Having heard the learned counsel for the petitioner and upon perusal of the grounds urged in the Interlocutory Application, this Court is of the view that ends of justice will be met if the petition is restored to file as this is a case seeking appointment on compassionate ground and the writ petition came to be dismissed for non representation of the petitioner by the Advocate, who was engaged earlier. Notices in the matter was issued on 03.06.2022 pursuant thereto counsels had appeared and respondent counsels have also been served with extra copies however no objections have been filed as on date.

8. In view of all of the above the Interlocutory Application is allowed. The order dated 25.07.2016 dismissing the writ petition for default stands recalled. W.P.(C)/5044/2015 is restored to file.

9. The Interlocutory Application stands allowed and disposed of.

JUDGE

Comparing Assistant