

GAHC010103712019



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

Case No. : Cont.Cas(C)/267/2019

SANTOSH GUPTA
S/O. BIKRAM GUPTA, VILL. RAJBARI, P.O. AND P.S. DIYANGMUKH, DIST.
NORTH CACHAR HILLS, ASSAM.

VERSUS

KULADHAR SAIKIA, IPS AND ANR.
THE DIRECTOR GENERAL OF POLICE, ASSAM, ULUBARI, GUWAHATI-
781006.

2:SREEJITH T
IPS
THE SUPERINTENDENT OF POLICE
DIMA HASAO
HAFLONG
N.C. HILLS
ASSAM-782008

Advocate for the Petitioner : MR. M CHANDA

Advocate for the Respondent : MR. D NATH

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

04.10.2023

None appears for the petitioner on call. Mr. D. Kalita, learned counsel appears

for the respondents.

This contempt petition has been filed alleging willful disobedience of the directions contained in the order dated 18.12.2018 passed in WP(C) no.8652/2018. The writ petition was disposed of in terms of the following directions:

“.....

Let the application of the petitioner be considered by the respondent authorities in accordance with law within 3 (three) months from today and authorities will intimate the result thereof to the petitioner.”

Mr. D Kalita, learned counsel for the respondents submits that in terms of the order dated 18.12.2018 passed in WP(C) no.8652/2018 the application of the petitioner was forwarded to the Secretary to the Government of Assam, Home (A) Department respondent and the respondent authority Secretary to the Government of Assam on 21.02.2019 for taking necessary action in compliance of the directions of this Courts within the periods stipulated which is for 3 (three) months from the date of the order. As such, there is neither any violation of the Courts orders nor any willful disobedience as alleged by the writ petitioner in this contempt petition so far as the respondents are concerned.

None appears for the petitioner when the matter was called up. None had appeared on 25.11.2019 and 31.07.2023 also when the matter was listed earlier.

A perusal of the directions issued by the Court vide the order dated 18.12.2018 passed in WP(C) no.8652/2018 and order dated 06.09.2016 passed in WP(C) No.1776/2014 reveal that the Deputy Commissioner-cum-Chairman, DLC, Dima Hasao was directed to examine the petitioner no.1's application for compassionate appointment and to take a decision on the same in the next DLC meeting which was to be held within 3 (three) months from the date of receipt of a certified copy of this order.

The contempt petition has been filed Shri Kuladhar Saikia, IPS, The Director

General of Police, Assam, Ulubari & Shri Sreejith T, IPS, The Superintendent of Police, Dima Hasao, Haflong, N.C. Hills are arrayed as the respondents however, the Deputy Commissioner, Dima Hasao who is the Chairman of the DLC has not been arrayed as a party respondent. From the instructions placed before this Court it is seen that the respondents have forwarded the application to be placed before the DLC. The direction of this Court by its order dated 18.12.2018 in WP(C) no.8652/2018 has been seen to be complied with.

Under the scheme of compassionate appointment, the application of the petitioner is to be considered in the first instance by the DLC where the Deputy Commissioner of the concerned district is the Chairman. Upon recommendation by DLC, the matter will be considered by the SLC. The administrative department under which the petitioner's kin was employed will forward the application of the petitioner to be considered by the DLC.

In that view of the matter, upon due perusal of the pleadings on the record including the affidavit filed by the respondents this Court finds that no contempt has been made out as alleged for willful and deliberate violations of the directions contained in the order dated 18.12.2018 passed in WP(C) no.8652/2018 and order dated 06.09.2016 passed in WP(C) No.1776/2014.

Accordingly, this contempt petition stands closed. Notices issued are recalled.

JUDGE

Comparing Assistant