

GAHC010108372011



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

Case No. : WP(C)/5616/2011

KAMAKHYA ACHARJYA
S/O- LT. BHABENDRA ACHARJEE, VILL.- ATHIABARI BARMAN PARA, P.O.-
BARPETA ROAD, DIST.- BARPETA, ASSAM, PIN- 781315.

VERSUS

THE UNION OF INDIA and ORS
THROUGH THE SECY., MINISTRY OF WATER RESOURCES, GOVT. OF
INDIA, NEW DELHI, PIN- 110001.

2:THE SECTION OFFICER O and M
CENTRAL WATER COMMISSION
GOVT. OF INDIA
SEWA BHAWAN
R.K. PURAM
NEW DELHI- 110066.

3:THE CHIEF ENGINEER
B and BB
CENTRAL WATER COMMISSION
SHILLONG
MEGHALAYA
PIN- 793001.

4:THE SUPERINTENDING ENGINEER
HYDROLOGICAL OBSERVATION CIRCLE
CENTRAL WATER COMMISSION
GOVT. OF INDIA
CWC COMPLEX BEHIND ADABARI BUS STAND
P.O.- GAUHATI UNIVERSITY
DIST.- KAMRUP
ASSAM

PIN- 781014.

5:THE EXECUTIVE ENGINEER
LOWER BRAHMAPUTRA DIVISION
CENTRAL WATER COMMISSION
GOVT. OF INDIA
HAKIMPARA
JALPAIGURI
WEST BENGAL
PIN- 735101

Advocate for the Petitioner : MSA B PHUKAN

Advocate for the Respondent : MS.B DAS

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 21.06.2023

Heard Mr. P. J. Phukan, the lerned counsel appearing on behalf of the Petitioner and Mrs. A. Gayan, the learned Assistant S.G.I. appearing on behalf of the Respondents.

2. The instant writ petition has been filed by the Petitioner being aggrieved by the rejection of his claim for appointment on compassionate ground in any Group-C and Group-D post as per his qualification/eligibility.

3. It appears on record that the father of the petitioner died in harness on 10.11.2006. Pursuant thereto, the mother of the Petitioner filed an application to the Chief Engineer, B&BB Central Water Commission that her son i.e. the Petitioner had passed the Higher Secondary Examination and to consider his case for appointment on compassionate grounds. It reveals that the application of the Petitioner to be considered for appointment on compassionate grounds

was forwarded to the Respondent Authorities and vide Annexure-E, the application of the Petitioner for compassionate appointment was rejected. It is under such circumstance, the instant writ petition has been filed seeking a Mandamus that the Respondent Authorities should consider the case of the Petitioner and appoint him on compassionate grounds.

4. It reveals from the records that an affidavit-in-opposition was filed by the Respondents through the Executive Engineer Officer, Central Water Commission on 06.06.2012. In the said affidavit, it was mentioned that as per Para 7 of the O.M. dated 09.10.1998, compassionate appointment can be made up to a maximum of 5% of the vacancies falling under direct recruitment quota in any Group-C and Group-D post. In the relevant year i.e. in 2008-2009, there was only one vacancy in Group-C post. There were 17 applicants including the Petitioner. In the meeting held on 19.04.2010, the application of the Petitioner was considered along with other applicants. It is further seen from the affidavit and more particularly to the list enclosed as Annexure-2 to the said affidavit-in-opposition that the Petitioner secured 47 points and in the merit list appeared at 7th position. It was therefore stated in the said affidavit-in-opposition that the Petitioner could not be appointed on compassionate grounds.

5. I have heard the learned counsels for the parties. Upon perusal of the materials available in the records, it transpires that the Petitioner's case was duly considered. This Court further finds it relevant to take note of that the father of the Petitioner had expired in the year 2006 and appointment on compassionate grounds are given only to tide out from the emergent difficulties which occur due to the death of the sole bread earner of the family. As on today, almost 17 years have passed by. Under such circumstances, this Court is

of the opinion that not only on the ground that the Petitioner secured less points than others in the assessment made in the meeting held on 19.04.2010, but it is the opinion of this Court that the present case also is not a fit case for a direction to be issued after 17 years for consideration of the case of the Petitioner for compassionate appointment.

6. Accordingly, the instant writ petition stands dismissed. No costs.

JUDGE

Comparing Assistant