

GAHC010133182021



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

Case No. : WP(C)/4287/2021

PANKAJ BHUYAN
S/O LATE TOPEDHAR BHUYAN
RESIDENT OF VILLAGE KUTUWAGURI GAON, PO TELAHI, DIST
LAKHIMPUR, ASSAM

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, DEPARTMENT OF HOME AND POLITICAL , ASSAM
SECRETARIAT. DISPUR, GUWAHATI 781006

2:THE DIRECTOR GENERAL OF POLICE
ASSAM POLICE HEADQUARTER
ULUBARI
GUWAHATI 781007
KAMRUP M ASSAM

3:THE DEPUTY COMMISSIONER

LAKHIMPUR
ASSAM

4:THE SUPERINTENDENT OF POLICE
LAKHIMPUR
ASSA

Advocate for the Petitioner : MR. R PHUKAN

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

Date : 01/09/2023

Heard Mr. R. Phukan, learned counsel for the petitioner. Also heard Mr. J. K. Goswami, learned Additional Senior Government Advocate appearing for the respondents.

2. It is submitted that the petitioner has approached this court praying for directions for considering the case of the petitioner in respect of his proposal or application seeking compassionate appointment. The petitioner's father, late Topedhar Bhuyan was working as a Constable in the Assam Police and he died in harness on 01.07.2004. Petitioner being one of the legal heirs filed necessary applications for being appointed on compassionate ground. Since the petitioner's case was not considered, he approached this court earlier by filing W.P.(C)/6038/2011 and this court, by order dated 09.01.2012 disposed of the writ petition, directing the respondents to consider his claims in terms of the Judgment and Order laid down by this court in ***Achyut Ranjan Das Vs State of Assam***, reported in ***2006 (4) GLT 674***. Pursuant to the said order, the petitioner filed his representation. However, in spite of such directions being issued, no such steps have been taken by the Respondent department nor any order has been communicated to the petitioner. By Communication dated 18.04.2012 the Deputy Commissioner, Lakhimpur requested the Superintendent of Police, Lakhimpur to submit the proposal to petitioner for placing it before the DLC. However, no such proposal was placed before the DLC. Being aggrieved, he has approached this court again by filing the present writ petition seeking appropriate directions from the court to the respondent authorities more

particularly, the Superintendent of Police, Lakhimpur.

3. Notice in this matter was issued on 03.09.2021 and the respondents were directed to file their response. Subsequently, further time was granted by the Court on 17.11.2021.

4. Today, when the matter is listed before the court, Mr. Phukan, learned counsel for the petitioner submits that he has instructions that pursuant to filing of the writ petition, his case has been placed before the DLC and the DLC further recommended his case and the matter has been placed before the SLC also. Such statements are also reflected in the affidavit-in-opposition filed on behalf of respondent No.4, namely the Deputy Superintendent of Police, Lakhimpur.

5. It is further submitted by Mr. Phukan that the case of the petitioner has also been considered by the SLC in the meantime. It is submitted that he has no instructions whether the matter has been considered by the SLC. In that view of the matter, this court proposes to dispose of this writ petition with a direction to the respondent authorities, more particularly, the Respondent No.2 to furnish a copy of the order, if any, passed in the meantime by the SLC to the respondent. If any recommendation is made for compassionate appointment of the petitioner then consequential orders be passed expeditiously. If no such orders are passed by the SLC then the respondent No.2 will place a copy of this order before the SLC to pass necessary orders on the applications filed by the petitioner.

6. The writ petition stands disposed of in terms of the above.

7. No order as to cost.

JUDGE

Comparing Assistant