

GAHC010133432017



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

Case No. : WP(C)/3960/2017

KARISHMA DAS
D/O. LT. DEEPAK CHANDRA DAS, VILL. CHETIA GAON, WARD NO.5, P.O.
LAKHIMPUR, DIST. LAKHIMPUR, ASSAM.

VERSUS

THE STATE OF ASSAM and 3 ORS.
REP. BY THE SECRETARY TO THE GOVT. OF ASSAM, DEPTT. OF
IRRIGATION, DISPUR, GHY.-06.

2:THE CHIEF ENGINEER
DEPTT. OF IRRIGATION
ASSAM
CHANDMARI
GHY.-03.

3:DY. COMMISSIONER
LAKHIMPUR CUM CHAIRMAN DISTRICT LEVEL COMMITTEE.

4:EXECUTIVE ENGINEER
LAKHIMPUR DIVISION IRRIGATION
NORTH LAKHIMPUR
ASSAM

Advocate for the Petitioner : MR.G RENGMA

Advocate for the Respondent : GA, ASSAM

BEFORE
HON'BLE MR. JUSTICE SOUMITRA SAIKIA
ORDER

01.09.2023.

Heard Mr. G. Rengma, learned counsel for the petitioner. Also heard Ms. M. Bhattacharjee, learned Addl. Senior Govt. Advocate, Assam appearing for the respondents.

2. The petitioner has approached this Court, aggrieved by the fact that her claim for appointment under the compassionate scheme has not been considered. Petitioner's father Late Deepak Chandra Das was employed as Senior Assistant under the Executive Engineer, Lakhimpur Division (Irrigation) at North Lakhimpur. He died in harness on 30.06.2015. Pursuant thereto, the petitioner applied for compassionate appointment on 16.07.2015, in the prescribed format. The matter was thereafter, forwarded by the competent authority to the office of the Deputy Commissioner, Lakhimpur District to place before the District Level Committee (DLC), Lakhimpur District, presided over by the Deputy Commissioner, Lakhimpur. However as no further information was forthcoming in spite of the requests made by the petitioner, the petitioner has filed the present Writ Petition praying for a direction to the authorities to consider the case by the DLC.

3. Ms. M. Bhattacharjee, learned Addl. Senior Govt. Advocate, Assam appearing for the respondents submits that the affidavit on behalf of the Deputy Commissioner, Lakhimpur has been filed as far back as on 17.11.2017, whereby it is shown that the proposal for appointment of the petitioner on compassionate appointment scheme was placed before the DLC. However the outcome of the DLC meeting in respect of the petitioner is not reflected in the affidavit. Ms. Bhattacharjee, learned Addl. Senior Govt. Advocate, Assam further submits that she has no instructions on the status of the application of the writ petitioner forwarded.

4. Considering the limited prayer made in the Writ Petition that the petitioner's case should be considered by the DLC and also upon due consideration of the averments made in the affidavit filed by the respondent No.3 i.e. the Deputy Commissioner, Lakhimpur that the case of the petitioner has been forwarded to the DLC, this Court is of the view that the Writ Petition can be closed with a direction to the respondent authorities, more particularly, the respondent No.3 the Deputy Commissioner, Lakhimpur, to furnish the status of the minutes of the DLC meeting, whereby the claims of the petitioner for compassionate appointment was considered.

5. Any decision that may have been taken, copy thereof be furnished to the petitioner. In the event if no such decision was taken, then the Deputy Commissioner, Lakhimpur at North Lakhimpur who is also the Chairman of the DLC, is directed to place the proposal of the Department, in respect of the petitioner before the next DLC meeting and thereupon pass appropriate order(s) in the matter.

6. The directions contained above shall be carried out within four (4) weeks from date of receipt of the certified copy of this order.

7. The writ petition stands disposed of in terms of the above direction. No order as to cost.

JUDGE

Comparing Assistant