

GAHC010141632023



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

Case No. : WP(C)/3865/2023

DOLY BEGUM MAZUMDER
WIFE OF LATE FIROZ AHMED MAZUMDER,
VILLAGE- BERENGA PART-I,
P.O.- BERENGA, P.S.- SILCHAR,
DIST.- CACHAR, ASSAM.

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE CHIEF SECRETARY CUM CHAIRMAN OF STATE
LEVEL COMMITTEE FOR COMPASSIONATE APPOINTMENT,
GOVT. OF ASSAM, DISPUR, GUWAHATI-6.

2:THE ADDITIONAL CHIEF SECRETARY TO THE GOVERNMENT OF ASSAM
IRRIGATION DEPARTMENT
DISPUR
GUWAHATI-6.

3:THE SECRETARY TO THE GOVT. OF ASSAM
IRRIGATION DEPARTMENT
DISPUR
GUWAHATI-6.

4:THE CHIEF ENGINEER
IRRIGATION
ASSAM
CHANDMARI
GUWAHATI-3.

5:THE DISTRICT LEVEL COMMITTEE
REPRESENTED BY ITS CHAIRMAN CUM DEPUTY COMMISSIONER
CACHAR

ASSAM.

6:THE EXECUTIVE ENGINEER
SILCHAR DIVISION (IRRIGATION)
KANAKPUR
SILCHAR
PIN- 788806

Advocate for the Petitioner : MR. A M S MAZUMDER

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

Date : 30.06.2023

Heard Mr. A. M. S. Mazumder, learned counsel for the petitioner. Also heard Ms. S. Baruah, learned Government Advocate for the respondent.

2. The petitioner before this Court had claimed appointment on compassionate ground as her husband was working as a Grade IV employee (Chowkider) in the Office of the Executive Engineer, Silchar Division (Irrigation), Kanakpur, Silchar, Cachar, who died in harness on 26.12.2013.

3. The petitioner had applied for appointment on compassionate ground on 20.03.2014 and her application was duly received by the Office of the Executive Engineer, Silchar Division (Irrigation), Kanakpur, Silchar, Cachar.

4. It is submitted that she was informed that the District Level Committee (DLC) had rejected her case on 24.05.2017 and a copy

of the minutes was also served to the petitioner. Being aggrieved, she approached this Court by filing writ petition being WP (C) No. 4793/2020 and this Court by order dated 01.03.2021 disposed of the writ petition directing the respondents to consider the case of the petitioner in terms of the paragraph 15 of the Office memorandum No. ABP 50/2006/Pt./182 dated 01.06.2015 within a period of 3 (three) months from the date of receipt of the certified copy of the order.

5. As the said order was not complied with, a contempt petition was also filed and during the pendency of the said matter the departmental counsel submitted before this Court that the DLC had considered the case of the petitioner but rejected the same as no posts are available in the office concerned or in the other offices in the district under compassionate ground.

6. It is submitted by the learned counsel for the petitioner that the Chief Engineer, Irrigation, Assam by communication dated 11.04.2022 has already forwarded the applications of the persons seeking appointment on compassionate ground including the petitioner to the Secretary to the Govt. of Assam, Irrigation Department. However, no further communication has been received from the department by the petitioner.

7. Learned counsel for the petitioner has referred to an order dated 26.06.2023 passed in WP(C)/440/2023 whereby in a writ petition filed by similarly situated person, the matter was directed to be placed before the SLC through the Secretary of the concerned department.

8. Accordingly, upon hearing the learned counsels for the parties and upon perusal of the pleadings on record, this writ petition stands considered with a direction to the respondent No.3, namely, the Secretary to the Govt. of Assam, Irrigation Department to place the proposal of the petitioner before the SLC, which has been forwarded from the Office of the Chief Engineer by communication dated 11.04.2022. If the proposal has already been placed and orders on that have been passed by the SLC a copy of the same be furnished to the writ petitioner.

9. The writ petition stands closed with the directions above which will be complied with by the respondent within a period of 4 (four) weeks from the date of receipt of the certified copy of this order.

10. Writ petition is accordingly allowed and disposed of.

JUDGE

Comparing Assistant