

GAHC010167022023



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

Case No. : WP(C)/5122/2023

SYED MOSTAFUR RAHMAN
S/O- LATE MACHIBAR RAHMAN, VILL.- DHUHI NO. 1, P.O. DHUHI, DIST.
KAMRUP(R), ASSAM

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF ASSAM,
IRRIGATION DEPARTMENT, DISPUR, GUWAHATI-06.

2:THE CHIEF ENGINEER

IRRIGATION DEPARTMENT
CHANDMARI
GUWAHATI-03.

3:THE DISTRICT LEVEL SELECTION COMMITTEE
REPRESENTED BY THE DEPUTY COMMISSIONER
KAMRUP(R)
ASSAM

4:THE EXECUTIVE ENGINEER
RANGIA IRRIGATION DIVISION
KAMRUP(R)
ASSA

Advocate for the Petitioner : MR. A B T HAQUE

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI**

ORDER

08.09.2023

Heard Shri ABT Haque, learned counsel for the petitioner, who has approached this Court against the findings of the District Level Committee regarding the claim of the petitioner for appointment on compassionate ground. It is the case of the petitioner that his father late Machibar Rahman, who was serving as Section Assistant in the Office of the Executive Engineer, Rangia Irrigation Division, Rangia had died in harness on 29.10.2006. The petitioner claims to have submitted an application on 20.01.2007 for appointment on compassionate ground.

2. It is the case of the petitioner that since the said application was not considered, he had filed a WP(C)/4022/2020 and this Court vide an order dated 09.10.2020 had disposed of the writ petition by directing that the application of the petitioner be placed before the DLC.

3. The District Level Committee in the impugned meeting dated 18.03.2021 has rejected the said application.

4. Shri R. Dhar, learned State Counsel has submitted that the death of the father of the petitioner was in the year 2006 and though it is claimed that an application was submitted in the year 2007 for consideration for appointment on compassionate ground, long thereafter about 13 years he had approached this Court in the year 2020 in the first writ petition and this aspect of the matter has been considered by this Court as would reflect from the order dated 09.10.2020. He further submits that the District Level Committee in the impugned minutes have given relevant and cogent reasons which may not interfered with.

5. Also heard Shri N. Upadhyay, learned Standing Counsel for the Irrigation Department.
6. An appointment on compassionate ground is a deviation from the normal recruitment Rules wherein the objective is to give immediate succour to the bereaved family which has lost the sole bread winner so that they can survive. In the instant case, though the death was in the year 2006 and even assuming that an application was submitted for appointment on compassionate ground in the year 2007, it took 13 years for the petitioner to approach for enforcement of his legal right, if any. This aspect of the matter has also been taken note of by this Court in the earlier order dated 09.10.2020. This Court also find force in the contention of Shri Dhar, learned State Counsel that the rejection has been done by application of mind and the relevant factors have been taking into consideration.
7. In the opinion of this Court, consideration of the case of the petitioner at this stage for appointment on compassionate ground would be in conflict with the very objective of the scheme which is to provide immediate relief to the family which has lost the sole bread winner and in the instant case, the death was in the year 2006.
8. In that view of the matter, this Court does not find any merit in this writ petition and accordingly the same stands dismissed.

JUDGE

Comparing Assistant