

GAHC010167212023



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

Case No. : WP(C)/4388/2023

BITTU BRAHMA
SON OF LATE SHWAHID KR. BRAHMA,
RESIDENT OF SANTI NAGAR,
WARD NO. 02, BARPETA ROAD,
P.O. AND P.S.- BARPETA ROAD,
DIST.- BARPETA, ASSAM,
PIN- 781315.

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE SECRETARY TO THE GOVT. OF ASSAM,
TRIBAL AFFAIRS (PLAIN) DEPARTMENT,
DISPUR, GUWAHATI- 6.

2:THE STATE LEVEL COMMITTEE
REPRESENTED BY ITS CHAIRMAN CUM CHIEF SECRETARY TO THE
GOVT. OF ASSAM

DISPUR
GUWAHATI-6.

3:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
FINANCE (EC-II) DEPARTMENT
DISPUR
GUWAHATI-6.

4:THE DISTRICT LEVEL COMMITTEE
REPRESENTED BY THE CHAIRMAN CUM DISTRICT COMMISSIONER

BARPETA
ASSAM.

5:THE DISTRICT TRIBAL WELFARE OFFICER
BARPETA
P.O.
P.S. AND DIST.- BARPETA
ASSAM

Advocate for the Petitioner : MR. A F N U MOLLAH

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

04-08-2023

Heard Mr. A.F.N.U. Mollah, learned counsel for the petitioner. Also heard Mr. D. Bora, learned Government Advocate, Assam, for the respondent nos. 1, 2, 4 & 5 and Mr. P. Nayak, learned Standing Counsel, Finance Department for the respondent no.3.

2. This petition is filed by the petitioner who is aggrieved by the non-consideration of his proposal for appointment on compassionate ground by the State Level Committee (SLC). The petitioner's father was serving as a Senior Assistant-cum Accountant in the Sub-Divisional Welfare Office of Barpeta. During the service period the petitioner's father expired on 26.11.2010. Subsequently, his mother, namely, Prabha Brahma also expired on 03.02.2011. The petitioner at the relevant point of time was pursuing his graduation when his parents expired. The petitioner thereafter submitted an application on 02.02.2011 for consideration for appointment on compassionate scheme. The petitioner's case was duly examined and recommended for being appointed in Grade-III post by District Level Committee (DLC), Barpeta in its meeting held on

17.09.2011.

3. The matter was thereafter forwarded to the SLC and thereafter, the SLC by its meeting held on 13.07.2015 rejected the case of the petitioner on the ground that the application of the petitioner could not be considered due to want of vacancies. That apart, since a period of 2 (two) years had elapsed from the date of making the application, it has spent its force in the meantime. The rejection order of the SLC was never furnished to the petitioner but the petitioner managed to procure a copy of the same through an RTI application. Thereafter, the DLC once again recommended the name of the petitioner for being appointed as Grade-III post on compassionate ground by its meeting held on 08.12.2015. The said proposal sent to the Secretary to the Government of Assam, WPT & BC Department for being placed before the SLC. The said proposal was forwarded to the WPT & BC Department on 30.01.2016. However, in spite of the matter being forwarded to be placed before the SLC, but till date the petitioner is not informed as to what is the state of his application and whether the same received due consideration before the SLC. Being aggrieved the petitioner is before this Court seeking appropriate direction/order.

4. Mr. D. Bora, , learned Government Advocate, Assam, for the respondent nos. 1, 2, 4 & 5 submits that he has no instructions in the matter and would like to obtain the same.

5. Learned counsels for the parties have been heard and the averments made in the writ petition have been perused.

6. The limited prayer of the petitioner is for a direction to the Respondents to communicate the order that may be have been passed by the SLC on his application for compassionate appointment which was forwarded by the DLC, Barpeta on 30.01.2016 to the Secretary to the Government of Assam, WPT &

BC Department to place the matter of the petitioner before the SLC. It is the case of the petitioner that in spite of several attempts made by the petitioner to obtain the required information, the same has not been made available to him. A reference is also made to the communication dated 16.08.2022 issued by the Office of the Additional Deputy Commissioner, Barpeta to the All Heads of Offices, Barpeta to submit pending proposal for selection of candidates on compassionate appointment as per latest guidelines/norms. It is also seen that the representation dated 08.06.2023 has been preferred by the petitioner before the Secretary to the Government of Assam Tribal Affairs Department.

7. Considering the averments made in the writ petition and after hearing the learned counsel for the parties, this Court is of the view that the writ petition can be disposed of with a direction to the State Level Committee (SLC) which is chaired over by the Chief Secretary of the State to dispose of any pending proposal relating to the petitioner which is stated to have been forwarded by the DLC as far back as 30.01.2016. It is possible that SLC may have in the meantime already disposed of the proposal relating to the petitioner. In that event, a copy of such decision be furnished to the petitioner forthwith. In the event the proposal is found to be pending by the SLC, the same shall be disposed of within a period of 30 (thirty) days from the date of receipt of a certified copy of this order.

8. With the above observations and directions, the writ petition stands disposed of.

JUDGE

Comparing Assistant