

GAHC010170852023



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

Case No. : WP(C)/4478/2023

JITU TALUKDAR
S/O- LATE BHABEN CH. TALUKDAR, R/O- VILL.- BARKURIHA, P.O., P.S.
AND DIST. NALBARI, ASSAM, PIN- 781348.

VERSUS

THE CHAIRMAN CUM CHIEF SECRETARY AND 4 ORS
STATE LEVEL COMMITTEE, DISPUR, GUWAHATI-781006.

2:THE SPECIAL COMMISSIONER AND SPECIAL SECRETARY TO THE GOVT.
OF ASSAM
PWD (ROAD)
DISPUR
GUWAHATI-781006.

3:THE CHIEF ENGINEER
PWD (ROADS)
ASSAM
CHANDMARI
GUWAHATI-781003.

4:THE EXECUTIVE ENGINEER PWD

GUWAHATI RURAL ROAD DIVISION
GUWAHATI-781003.

5:THE DISTRICT COMMISSIONER
KAMRUP
AMINGAON
ASSAM
PIN- 781031

Advocate for the Petitioner : MR. R P SARMAH

Advocate for the Respondent : GA, ASSAM

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

ORDER

25.09.2023

Heard Shri R.P. Sarmah, learned Senior Counsel for the petitioner, who has approached this Court with regard to a claim for appointment on compassionate ground. Also heard Shri A. Chakraborty, learned State Counsel.

The case projected by the petitioner is that his father Bhaben Ch. Talukdar was a driver in the Office of the Assistant Executive Engineer, PWD, Hajo (Rural), Sub-Division and had died in harness on 02.03.2005 whereafter the petitioner had submitted an application for appointment on compassionate ground.

The petitioner had also approached this Court by filing a writ petition which was numbered as WP(C)/1573/2006 wherein there was a direction for consideration of the case of the petitioner. Shri Sarmah, the learned Senior Counsel has submitted that thereafter, the District Level Committee, Kamrup in its meeting dated 25.07.2007 had recommended the case of the petitioner which was followed by some more communication. The matter remained in that position for more than a decade and vide a speaking order dated 30.07.2022, the case of the petitioner has been rejected by the State Level Committee on the ground that sufficient time has passed for such consideration and any further consideration may not be in sync with the objective of an appointment

on compassionate ground.

Shri Sarmah, the learned Senior Counsel has submitted that there being a recommendation by the District Level Committee in its meeting held on 25.07.2007 pursuant to the order dated 10.03.2006 of this Court, there was a duty cast upon the SLC to consider and dispose of the claim in accordance with law which was not done. He therefore submits that the present is a fit case for interference.

Shri Chakraborty, the learned State Counsel however submits that though there was a recommendation by the District Level Committee, the matter has to be considered afresh by the State Level Committee and such exercise is not a mechanical one. He further submits that the reasons assigned in the impugned order are cogent and relevant which would not require any interference.

After hearing the learned counsel for the parties, what intrigues this Court is long and inordinate delay on the part of the petitioner in approaching the Court in terms of the recommendation made by the District Level Committee way back in the year 2007. The death in the instant case was in the year 2005.

An appointment on compassionate ground is a deviation from the usual process of recruitment where certain benefits are given to a bereaved family which has lost its sole breadwinner and the objective is to overcome the immediate crisis.

This Court also cannot be oblivious of the fact that the power exercised under Article 226 of the Constitution of the India is the power of equity wherein the conduct of the petitioner in approaching this Court is of paramount importance.

In the instant case, apart from the fact that any consideration presently

would not be within the ambit of the objective of a compassionate appointment, the petitioner has also been found to be lacking in due diligence in approaching this Court.

In view of the above, this Court is of the considered opinion that no case for interference is made out and accordingly the writ petition is dismissed.

JUDGE

Comparing Assistant