

GAHC010190412023



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

Case No. : WP(C)/5229/2023

KAILASH THAKURIA
S/O LATE NAGEN THAKURIA, R/O PACHIM DHULI, CHHAYGAON, P.O.-
PACHIM DHULI, P.S.-CHHAYGAON, DIST- KAMRUP, PIN-781124

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVT. OF ASSAM/THE
CHAIRMAN, STATE LEVEL COMMITTEE FOR COMPASSIONATE
APPOINTMENT, DISPUR, GUWAHATI-781006

2:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
W.R. DEPARTMENT
DISPUR
GUWAHATI-781006

3:THE CHIEF ENGINEER
ASSAM W.R. DEPARTMENT
BASISTHA
GUWAHATI-781006

4:THE DEPUTY COMMISSIONER
KAMRUP (M)
THE CHAIRMAN OF DISTRICT LEVEL COMMITTEE
LICHUBAGAN
HENGABARI
GUWAHATI
ASSAM
PIN-781036

5:THE EXECUTIVE ENGINEER
MECHANICAL DIVISION W.R. DEPARTMENT

BASISTHA
GUWAHATI-2

Advocate for the Petitioner : MR. M SARANIA

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

13.09.2023

Heard Shri M. Sarania, learned counsel for the petitioner, who by means of this petition has claimed a consideration for appointment on compassionate ground. It is the case of the petitioner that his father, late Nagen Thakuria was a Dumper Handyman in the Office of the Executive Engineer, Water Resource Department and had expired on 05.11.1998. It is submitted that at that time, the petitioner was a minor and could not apply. However, subsequently, the petitioner had applied for appointment on compassionate ground and his name was forwarded on 29.01.2007. The District Level Committee had considered the case of the petitioner and recommended his case on 18.08.2007.

2. It is the case of the petitioner thereafter, no information was received regarding any further consideration by the State Level Committee. Hence this writ petition has been filed in September 2023.

3. Shri Sarania, learned counsel for the petitioner has submitted that once the matter of compassionate appointment is recommended by the District Level Committee, it is an incumbent upon the State Level Committee to consider and

communicate the result of such consideration. That not being done, he prays that the present is a fit case for interference.

4. Also heard Ms. M. Bhattacharyya, learned Additional Senior Government Advocate, Assam as well as Ms. J. Gogoi, learned Standing Counsel, Water Resource Department.

5. The death, in the instant case, of the Government servant was in the year 1998. The explanation given is that the application could not be submitted immediately as the petitioner was a minor at that time. Nonetheless, such application was made in the year 2007 which itself was after a period of about 9 years from the date of death. Be that as it may, the application was considered by the District Level Committee and recommended. However, what intrigues this Court is that from 2007, the petitioner took more than 16 years to approach this Court with a grievance that there was no information about further consideration by the State Level Committee.

6. This Court exercising its jurisdiction under Article 226 of the Constitution of India is a Court of Equity where the conduct of the party approaching this Court is of paramount importance and such conduct includes due diligence which is apparently lacking in the present case. Even the case projected by the petitioner that at the time of death he was a minor and could not apply immediately would also not go in favor of the petitioner as it is a settled law that there is no reason for the authorities to wait till an applicant attained majority vis-à-vis the scheme of appointment on compassionate ground as the primary objective is to give immediate succour to the bereaved family which has lost its sole bread winner.

7. Under the aforesaid facts and circumstances, this Court is of the unhesitant opinion that present case is without merits and accordingly, the same

stands dismissed.

JUDGE

Comparing Assistant