

GAHC010205632023



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

Case No. : WP(C)/5318/2023

RAMEN DAS @ RAMEN CHANDRA DAS
S/O- LATE SAMBHU RAM DAS ,
R/O- VILLAGE- PITAMBAR HAT, BAJALI,
P.O- PITAMBAR HAT, BAJALI,
DIST- KAMRUP, ASSAM, PIN-781354

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY, TO THE
GOVERNMENT OF ASSAM, PUBLIC WORK DEPARTMENT
DISPUR, GUWAHATI-6, KAMRUP (M)

2:THE CHIEF ENGINEER
PUBLIC WORKS DEPARTMENT
ROADS GUWAHATI-03
KAMRUP (M)

3:THE EXECUTIVE ENGINEER
PWD
RANGIA RURAL ROAD DIVISION

DIST- KAMRUP
ASSAM
PIN-781354

4:THE DEPUTY COMMISSIONER
KAMRUP (R)
ASSAM
PIN-781031

5:THE STATE LEVEL SELECTION COMMITTEE

FOR APPOINTMENT ON COMPASSIONATE GROUND

REP. BY THE CHIEF SECRETARY TO THE GOVT. OF ASSAM
DISPUR
GUWAHATI-06)

6:THE DISTRICT LEVEL SELECTION COMMITTEE
FOR APPOINTMENT ON COMPASSIONATE GROUND

KAMRUP DISTRICT
ASSAM (REP. BY THE DEPUTY COMMISSIONER
KAMRUP
ASSAM
PIN-781031

Advocate for the Petitioner : MR. P K MUNIR

Advocate for the Respondent : SC, PWD

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

15.09.2023

Heard Shri A. Gayan, learned counsel for the petitioner, who has filed this writ petition with a claim for appointment on compassionate ground.

It is the case of the petitioner that his father Sambhu Ram Das who was working as a Roller Handyman under the establishment of the Office of the Executive Engineer P.W.D. Rangia Division Assam had died in harness on 13.07.2000. The petitioner claims to have applied for appointment on compassionate ground which was ultimately considered by the DLC in its meeting held on 02.06.2007. Thereafter, the petitioner had filed a writ petition being WPC /3977/2008 as there was no further consideration by the SLC. This Court however vide order dated 10.06.2009 had rejected the prayer of the

petitioner however with an observation that it would be open for the State respondents to consider the candidature of the petitioner if vacancy arises in future. The petitioner has claimed to have filed a representation on 09.05.2023 and another representation on 11.05.2023 which have not been considered and accordingly the writ petition has been filed.

Shri Gayan, the learned counsel for the petitioner has submitted that in view of the observation made by the Court on 10.06.2009, the petitioner deserves a consideration.

On the other hand, Ms. M. Bhattacharyaa, learned Addl. Senior Government Advocate, Assam as well as Shri M. Bhuyan, learned counsel representing the PWD Department have submitted that the order of this Court was of 2009 and the present case has been filed after about 13 years without their being any cogent explanation. They have also submitted that the present claim is not in consonance with the Scheme for making appointment on compassionate ground.

The mode of offering appointment on compassionate ground is a deviation from the normal recruitment process wherein some benefits are given to the bereaved family who has lost the sole breadwinner to overcome the immediate crisis. The death in the instant case was in the year 2000 and in the meantime, more than 23 years have passed.

That apart, the earlier approach of the petitioner to this Court was unsuccessful wherein the writ petition was dismissed in the year 2009. Though there was an observation for future consideration, it is not explained as to what took more than 13 years to file a representation and thereafter approach this Court.

This Court exercising powers under Article 226 of the Constitution of the India is a Court of Equity wherein the conduct of the party approaching this Court is of paramount importance and in this case, the facts and circumstances reveals lacks of due diligence on the part of the petitioner.

In that view of the matter, this Court holds that there is no merit in this writ petition and accordingly the same is dismissed.

JUDGE

Comparing Assistant