

GAHC010214682022



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

Case No. : WP(C)/6785/2022

AMRIT BORA
S/O- LATE SUREN BORA,
R/O- VILLAGE HALMIRAMUKH,
P.O- HALMIRA,
DIST- GOLAGHAT , ASSAM,
PIN-785621

VERSUS

THE STATE OF ASSAM AND 4 ORS
REP. BY THE COMMISSIONER AND SECY. TO THE GOVT. OF ASSAM,
DEPARTMENT OF FOREST, DISPUR, GUWAHATI-06.

2:THE PRINCIPAL CHIEF CONSERVATOR OF FOREST
ASSAM
REHABARI
GUWAHATI-8

3:THE DIVISIONAL FOREST OFFICER

EASTERN ASSAM WILDLIFE DIVISION
BOKAKHAT
P.O- BOKAKHAT

4:THE DIRECTOR
KAZIRANGA NATIONAL PARK

BOKAKHAT
P.O- BOKAKHAT

5:THE DEPUTY COMMISSIONER
GOLAGHAT

P.O- GOLAGHAT
ASSA

Advocate for the Petitioner : MR K BHUYAN

Advocate for the Respondent : SC, FOREST

**BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

Date : 19-07-2023

Heard Mr. K. Bhuyan, learned counsel for the writ petitioner. Also heard Mr. R. Dhar, learned Addl. Sr. Govt. Advocate, Assam appearing for the respondent No. 5 as well as Mr. D. Gogoi, learned standing counsel, Forest Department, Assam appearing for the respondent Nos. 1 to 4.

The petitioner's father was working as a Forest Guard under the respondent Nos. 1 to 4. He died in harness on 29-05-2001. On 05-10-2006, the petitioner had apparently submitted an application seeking appointment on compassionate ground. When his application was not considered, the petitioner had approached this Court by filing W.P.(C) No. 3846/2006, which was disposed of by order dated 04-09-2006 by directing the respondents to consider the application in terms of the guidelines laid down by this Court in the case of ***Achyut Ranjan Das Vs. State of Assam & Ors.*** reported in **2006 (4) GLT 674**. Notwithstanding the order dated 04-09-2006, no action has been taken by the authorities to issue the order of appointment to the petitioner. Hence, this writ petition.

Mr. Bhuyan submits that the District Level Committee (DLC) had recommended the case of the writ petitioner but the matter was not considered by the State Level Committee (SLC). Mr. Bhuyan has also produced a copy of the communication dated 13-07-2023 issued by the DFO, Eastern Assam Wildlife Division, Bokakhat to show that the application of the petitioner along with the supporting documents was forwarded to the concerned authority.

Be that as it may, the learned Single Judge vide order dated 27-10-2022 passed in this case had observed that this writ petition has been filed after a delay of more than 16 years and there is no explanation for the delay. This matter was directed to be listed again so as to enable the petitioner to address the Court on the point of delay. However, today when the matter is called up, sufficient explanation for the delay could not be furnished by the petitioner's counsel. The learned departmental counsel, on the other hand, have prayed for dismissal of the writ petition on the ground of delay and laches. Moreover the scheme of compassionate appointment has also since been withdrawn w.e.f. September, 2017. Therefore, question of issuance of a writ of mandamus, at this stage, does not arise.

Having regard to the overall facts and circumstances of the case, this Court is of the opinion that element of compassion, which was available in the matter immediately after the death of the petitioner's father, is no longer there. As such, writ of mandamus cannot be issued at this stage directing the respondents to consider the case of the petitioner for appointment on compassionate ground. Consequently, the writ petition is held to be devoid of any merit and the same is accordingly dismissed.

Insofar as the submission of Mr. Bhuyan that the departmental authorities, on their own, are still processing the case of the petitioner, in view of the observation made hereinabove, this Court is reluctant to make any comment in respect thereof.

Writ petition stands closed.

No order as to cost.

JUDGE

GS

Comparing Assistant