

GAHC010218012021



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

Case No. : WP(C)/7187/2021

PANKAJ DAS
S/O LT. RABIN DAS, R/O BATASHIPUR, P.O. BATASHIPUR, P.S DHEKIAJULI,
DIST. SONITPUR, ASSAM PIN-784111

VERSUS

THE STATE OF ASSAM AND 4 ORS
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF
ASSAM, FOREST DEPT. ASSAM SECRETARIAT, DISPUR, GUWAHATI-6

2:THE CHIEF SECRETARY
TO THE GOVT OF ASSAM
DISPUR
GHY-6
ASSAM

3:THE PRINCIPAL CHIEF CONSERVATOR OF FOREST
ARANYA BHAWAN
PANJABARI
GUWAHATI-37
ASSAM

4:THE DEPUTY COMMISSIONER
SONITPUR
DIST. TEZPUR
ASSAM
PIN-784001

5:DIVISIONAL FOREST OFFICER
SONIPUR WEST DIVISION COLE PARK ROAD
NEAR CIRCUIT HOUSE TEZPUR
784001

ASSA

Advocate for the Petitioner : MR. J KALITA

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

Date : 26/07/2023

Heard Mr. J. Kalita, learned counsel for the writ petitioner. Also heard Mr. R.R. Gogoi, learned Standing Counsel, Forest Department, Assam, appearing for the respondent nos. 1, 3 & 5. Mr. D. Bora, learned Government Advocate, Assam, is present on behalf of the respondent nos. 2 & 4.

The facts of the case, in a nutshell, is that the petitioner's father who was serving under the Forest Department as a Mahut, died in harness on 17/02/2010. Having lost the sole bread earner of the family, the writ petitioner being his son and being eligible to apply for appointment on compassionate ground, had submitted an application through his mother on 13/07/2010. The application dated 13/07/2010 had apparently been considered by the District Level Committee (DLC) of Sonitpur District and vide resolution adopted in its meeting dated 08/09/2020, the case of the petitioner was recommended.

The grievance of the petitioner is that despite the recommendation made by the DLC, Sonitpur district, in its meeting dated 08/09/2010, the matter has still not been considered by the State Level Committee (SLC).

This writ petition was filed in the year 2021 and several opportunities have in the meantime been granted by this Court to the departmental counsel to obtain instruction. Notwithstanding the same, there is no clarity as to the reason why the SLC has not yet considered the recommendation made by the DLC. On the other hand, a perusal of the communication dated 17/02/2021 issued by the Divisional Forest Officer, Sonitpur West Division, Tezpur, *prima facie* goes to show that the application of the petitioner for appointment on compassionate ground is yet to be considered by the SLC.

Appointment on compassionate ground is required to be made in terms of the scheme framed by the Government of Assam. Once an application is made in accordance with the conditions of the

scheme and the DLC recommends the case of the applicant, the SLC would be duty bound to consider the same and either accept or reject it with reasons to be recorded in writing. In the present case, as noted above, the recommendation of the DLC made in favour of the petitioner, is awaiting consideration of the SLC even after lapse of nearly 13 years. Unfortunately, the departmental counsel are also not in a position to appraise this Court as to the reason thereof.

Situated thus, this Court is left with no option but to issue a Writ of Mandamus directing the SLC to consider the case of the petitioner, in accordance with law.

As such, this writ petition is being disposed of by providing that the recommendation of the DLC made in favour of the writ petitioner shall be placed in the next meeting of the SLC. It would be open for the SLC to consider the recommendation and pass appropriate order therein, in accordance with law.

Whatever be the outcome of the process, the same be communicated to the petitioner through a written communication.

With the above observation, this writ petition stands disposed of.

JUDGE

sukhamay

Comparing Assistant