

GAHC010224292022



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

Case No. : WP(C)/7071/2022

ADITYA DAS
S/O- LATE PUNARAM BHAGAWATI @ PUNARAM DAS ,
R/O- BALIAGHAT PATHALIAL GAON,
P.O- BOLIAGHAT,
P.S- JOYSAGAR,
DIST- SIVASAGAR, ASSAM, PIN-785667

VERSUS

THE STATE OF ASSAM AND 2 ORS.
REP. BY THE CHIEF SECRETARY TO THE GOVT. OF ASSAM AND
CHAIRMAN STATE LEVEL COMMITTEE FOR APPOINTMENT ON
COMPASSIONATE GROUND, DISPUR, GUWAHATI-781006

2:THE DEPUTY COMMISSIONER
DIBRUGARH DISTRICT AND CHAIRMAN DISTRICT LEVEL COMMITTEE
FOR APPOINTMENT ON COMPASSIONATE GROUND

3:THE SUPERINTENDENT OF POLICE
DIBRUGARH DISTRICT
DIBRUGARH
ASSA

Advocate for the Petitioner : MR. A SARMA

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

Date : 15/11/2023

Heard Mr. A. Sarma, learned counsel for the petitioner. Also heard Mr. C. K. S. Baruah, learned Government Advocate appears for the respondents.

2. This writ petition is filed by the petitioner who has approached this court aggrieved by the rejection of his prayer for appointment on compassionate ground. The petitioner's father, Late, Punaram Bhagawati @ Punaram Das was an employee of the Armed Branch, Assam Police Department. His father expired on 22.10.2012, while serving as Sub- Inspector of Armed Branch, Assam Police Department, while he was posted at Dibrugarh. As his late father was the sole earner for the family, after the demise of the petitioner's father, the family suffered financial hardships, the petitioner accordingly applied for compassionate appointment. His case was considered but rejected by the District Level Committee by its meeting held on 07.08.2013 on the ground that the case of the petitioner cannot be recommended in comparison to other cases. By the said DLC, names of two other candidates were recommended as their cases were found to be more deserving than the petitioner. The petitioner's case was again considered by the department by placing it before the DLC. The DLC, by its meeting held on 17.01.2022 again rejected the case of the petitioner on the ground of he, being over-aged. It is this rejection for the second time that has been put to challenge by the writ petitioner.

3. The respondents have filed their affidavits justifying their reasons for rejection of the case of the petitioner.

4. Upon due consideration of the rival submissions made by the learned counsels for the parties and pleadings on record, it is seen that there is no dispute that the petitioner is found to be over-aged for consideration in the post of a Constable. The petitioner is presently about 31 years. In the Office Memorandum dated 01.06.2015 under clause 15, there is a provision that the department will examine the position of vacancies available under other administrative departments and will also consider cases of deserving candidates in the event the vacancies under the concerned department under which the relative of the petitioner died-in-harness, are not available.

5. From a perusal of the minutes, it is not seen that the guidelines, as per clause 15 of the Office Memorandum dated 01.06.2015 have been followed by the DLC.

6. Under such circumstances, we remand the matter back to the authorities to re-examine the case of the petitioner in the light of clause 15 of the OM dated 01.06.2015 and if there are any other vacancies available to which the petitioner can be suitably accommodated subject to fulfillment of all criteria, the same shall be recommended for being placed before the DLC. The DLC, thereafter will also take note of the provisions in terms of Clause 15 of the OM dated 01.06.2015 and after taking into due consideration the relevant clause, as well as the credentials of the petitioner, the SLC will pass necessary orders to accommodate the petitioner, if otherwise found eligible.

7. With the above observation, the writ petition stands disposed of. The respondent No.3 will place the case of the petitioner before the DLC within a period of 15 (fifteen) days from the date of receipt of a certificate copy of this order. The DLC will consider the case of the petitioner in the next available meeting, which shall not be later than 30 (thirty) days from the date the

respondent No.3 places the case of a petitioner before the DLC and pass appropriate orders in terms of the directions passed by this Court.

8. Writ petition stands disposed of in terms of the above. No order as to cost.

JUDGE

Comparing Assistant