

GAHC010315742019



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

**Case No. : WP(C)/124/2020**

MD. INAMUDDIN AHMED  
S/O- LT. JAMIRUDDIN AHMED, R/O- VILL- KHATA NAM BARBHAG, P.O.  
MULARKUCHI, P.S. BELSOR, DIST.- NALBARI, ASSAM, PIN- 781303

VERSUS

THE STATE OF ASSAM AND 3 ORS.  
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM, FOREST  
DEPTT., DISPUR, GHY-06

2:THE PRINCIPAL CHIEF CONSERVATOR OF FOREST  
ARANYA BHAWAN  
PUNJABARI  
GHY-37  
ASSAM

3:CONSERVATOR OF FORESTS  
CENTRAL SOUTHERN ASSAM SOCIAL FORESTRY CIRCLE  
GHY-01

4:DIVISIONAL FOREST OFFICER  
SOCIAL FORESTRY DIVISION  
NALBARI  
PIN- 781335  
DIST.- NALBARI  
ASSA

**Advocate for the Petitioner : MR. J KALITA**

**Advocate for the Respondent : SC, FOREST**

**BEFORE  
HONOURABLE MR. JUSTICE SUMAN SHYAM**

**ORDER**

**Date : 14-03-2023**

Heard Mr. J. Kalita, learned counsel appearing for the writ petitioner. I have also heard Mr. R.R. Gogoi, learned standing counsel, Forest Department, Assam appearing for all the respondents.

The father of the petitioner late Jamiruddin Ahmed was serving as a regular employee under the Forest Department. He died-in-harness on 20-03-1997. Since Jamiruddin Ahmed was the sole bread earner of the family, after his death, the mother of the petitioner, i.e. the widow had submitted an application before the respondent No. 4 with a prayer to appoint her in Grade-III or Grade-IV post in the department on compassionate ground. At that time, the petitioner was a minor. However, since no action was taken by the authorities on the application submitted by the petitioner's mother, on 23-05-2003, the writ petitioner, on attaining majority, had submitted a separate application seeking appointment on compassionate ground. Since no action was taken on such application, the petitioner had earlier approached this Court by filing W.P.(C) No. 158/2005, which was disposed of by this Court by the order dated 12-01-2005, with a direction upon the respondents to consider the case of the petitioner. On 30-04-2005, the Principal Chief Conservator of Forest, Assam, i.e. the respondent No. 2 herein had passed an office order wherein it has been mentioned that the case of the petitioner for appointment on compassionate ground is under consideration by the Govt. and

appropriate decision in the matter will be taken on the basis of Govt. approval when his turn comes. The grievance of the petitioner is that although the application for appointment on compassionate ground, made by several other similarly situated candidates have been duly considered by the authorities and orders of appointments have been issued, no such exercise has been carried out in case of the petitioner. As such, the petitioner was compelled to approach this Court for the second time by filing the instant writ petition.

Mr. Kalita has invited the attention of this Court to the series of orders passed by various Benches of this Court whereby directions were issued to consider the case of similarly situated candidates for appointment on compassionate ground. According to Mr. Kalita, the authorities had never placed the application of the petitioner before the SLC, as a result of which, there was no consideration of his application in accordance with law.

Responding to the above, Mr. R.R. Gogoi, learned standing counsel, Forest Department, Assam has fairly submitted that when the petitioner had submitted his application there was no circular laying down any time frame for submission and/ or consideration of applications for appointment on compassionate ground. Since the case of the petitioner was never placed before the SLC, hence, he has fairly submitted that there was some lapse on the part of the department in this regard. Mr. Gogoi, therefore, submits that he would have no objection if this writ petition is disposed of by this Court with a direction upon the authorities to place the case of the petitioner before the SLC/ SLC for being considered in accordance with law.

In view of the above submission made by Mr. Gogoi and considering the nature of

grievance expressed by the petitioner, this writ petition is being disposed of with a direction upon the respondents to consider the application of the petitioner for appointment on compassionate ground by following process established by law.

The aforesaid exercise be carried out and completed as expeditiously as possible, but not later than 06 months from the date of receipt of a certified copy of this order.

Writ petition stands closed.

**JUDGE**

GS

**Comparing Assistant**