

GAHC040009772023



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

Case No. : WP(C)/337/2023

Yashraj Parsai
S/o Late Mohan Parsai,
Presently residing at Transport Colony, Seppa, PO/PS Seppa, East Kameng District,
Arunachal Pradesh and permanent resident of Village Bormata, PO Naharbai, PS
Jamugurihat, Sonitpur District, Assam.
Ph. No. 7005725563

VERSUS

THE STATE OF AP and Anr.
Represented by the Chief Secretary, Govt. of Arunachal Pradesh, Itanagar.

2:the Deputy Commissioner, Seppa, East Kameng District, Arunachal Pradesh.

Advocate for the Petitioner : Mr. I. Bam

Advocate for the Respondent : Mr. S. Tapin, GA (AP)

**BEFORE
HONBLE MR. JUSTICE KAKHETO SEMA**

ORDER

Date : 29.02.2024

Heard Mr. I. Bam, learned counsel for the petitioner and Mr. S. Tapin, learned Senior Government Advocate for the State respondent.

The present writ petition has been disposed at the motion stage as consented to by the learned counsel for the parties.

The present writ petition has been filed for a direction to the respondent authorities to consider the appointment of the petitioner on compassionate ground in terms of the scheme for compassionate appointment formulated by the Government and brought out in the OM dated 04.07.2001.

The petitioner's father late Mohan Parsai died in harness on 13.11.2021 while serving as a driver in the Office of the Deputy Commissioner, Seppa, East Kameng District, Arunachal Pradesh leaving behind his wife (cancer patient) and 2(two) sons including the petitioner.

The petitioner who is a Class-XII passed and has also successfully completed the course of Post Graduate Diploma in Computer Application applied for the post of LDC (Lower Division Clerk, Group-C) on compassionate ground, by submitting the application dated 03.02.2022 to the Deputy Commissioner, Seppa, East Kameng District, A.P, the respondent No. 2, however, the application submitted by the petitioner for compassionate appointment has still not been disposed. It is also submitted that the Hon'ble Minister (WRD, Sports & YA) Arunachal Pradesh and the Hon'ble MLA 10th Seppa (ST) Assembly Constituency has recommended the case of the petitioner to the Deputy Commissioner, Seppa as a special case, however, the same has also not evoke any positive response till date.

It is further the case of the petitioner that in terms of the scheme formulated by the State Government vide OM dated 04.07.2021, the petitioner has the right to be considered for compassionate appointment to Group-C or Group-D post against the direct recruitment quota. However, the respondent authorities have not considered the case of the petitioner even under the scheme formulated

by the Government.

Mr. S. Tapin, learned Senior Government Advocate submits that the case of the petitioner could not be considered since the case of one Ms. Jamuna Tagang who has applied for compassionate appointment since 09.03.2017 is still pending before the Deputy Commissioner, Seppa due to non-availability of vacant post for making appointment on compassionate ground.

Mr. S. Tapin, learned Senior Government Advocate however submits that the case of the petitioner shall be considered in terms of the scheme formulated by the Government vide OM dated 04.07.2021 and as and when the turn of the petitioner comes for appointment.

In view of the submissions made by the learned counsel for the parties, the writ petition is disposed directing the respondent authorities to consider the case of the petitioner for compassionate appointment to Group-C or Group-D post against the direct recruitment quota strictly in terms of the scheme formulated by the Government and as and when the turn of the petitioner comes for appointment.

writ petition disposed.

JUDGE

Comparing Assistant