

GAHC010006522024



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

Case No. : WP(C)/216/2024

DEVAJYOTI KONWAR
S/O- LATE MUKUL KONWAR,
RESIDENT OF ANGERA KONWAR GAON,
P.O.- NIMONAGARH,
P.S.- MATHURAPUR,
DISTRICT- SIVASAGAR, ASSAM,
PIN- 785586.

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT OF
ASSAM CUM CHAIRMAN,
STATE LEVEL SELECTION COMMITTEE FOR COMPASSIONATE
APPOINTMENT,
DISPUR, GUWAHATI- 781006.

2:THE SECRETARY TO THE GOVT. OF ASSAM
IRRIGATION DEPARTMENT
DISPUR
GUWAHATI- 781006.

3:THE CHAIRMAN DLC CUM DISTRICT COMMISSIONER
SIVASAGAR
DISTRICT- SIVASAGAR
ASSAM
PIN- 785640.

4:THE EXECUTIVE ENGINEER
NAZIRA AMGURI DIVISION
IRRIGATION
NAZIRA

DISTRICT- SIVASAGAR
PIN- 785685

Advocate for the Petitioner : MR. B BARUAH

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

Date : 29-01-2024

Heard Mr. B. Baruah, learned counsel for the writ petitioner. Also heard Ms. M. Bhattacharyya, learned Addl. Sr. Govt. Advocate, Assam as well as Mr. N. Upadhyay, learned standing counsel, Irrigation Department, Assam appearing for the official respondents.

The claim of the petitioner is for appointment on compassionate ground due to the premature demise of his father who was a Govt. servant. It appears that the father of the petitioner died on 13-03-2017. After the death of his father, the petitioner had submitted application on 21-06-2017 seeking appointment on compassionate ground but on that date he was a minor. However, the application of the petitioner was not placed before the District Level Committee (DLC). Hence, this writ petition.

What is to be noted herein is that appointments on compassionate ground, were made under the scheme floated by the Govt. of Assam which was withdrawn w.e.f. 01-04-2017. At present, there is only one scheme for providing "compassionate family pension". Therefore, after the withdrawal of the earlier scheme, there is no scope for entertaining any application for providing compassionate appointment. Since the scheme for

appointment on compassionate ground itself was withdrawn prior to the date of submission of application by the petitioner and also at a stage when he was still a minor, hence, it is evident that there was no valid application from the petitioner for appointment on compassionate ground which was either filed or was pending as on the date of withdrawal of the scheme. As such, there is no scope for this Court to entertain this writ petition filed by the petitioner seeking a writ of mandamus. The relief is accordingly declined. However, if the petitioner is otherwise eligible to seek "compassionate family pension", under the existing scheme, then, it is provided that this order would not come in the way of the petitioner in making such an application, in the prescribed format, before the competent authority. By granting liberty to the petitioner to apply for "compassionate family pension" as per the existing scheme, if so advised, this writ petition stands closed.

JUDGE

GS

Comparing Assistant