

GAHC010026482024



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

Case No. : WP(C)/898/2024

SAHIDUL ALOM LASKAR
S/O- LATE FOYAZ UDDIN LASKAR, R/O- VILLAGE RONGPUR, PART IV,
P.O- SAHABAD,
P.S- KATLICHERRA, DIST- HAILAKANDI, ASSAM

VERSUS

THE STATE OF ASSAM AND 2 ORS
REP. BY THE COMMISSIONER AND SECRETARY, TO THE GOVT. OF ASSAM,

IRRIGATION DEPARTMENT,
DISPUR, GUWAHATI- 781006, ASSAM.

2:THE DEPUTY COMMISSIONER
HAILAKANDI CUM CHAIRMAN DISTRICT LEVEL COMMITTEE FOR
COMPASSIONATE APPOINTMENT

DIST- HAILAKANDI
ASSAM

3:THE EXECUTIVE ENGINEER
HAILAKANDI DIVISION (IRRIGATION)
HAILAKAND

Advocate for the Petitioner : MR. K MIRA

Advocate for the Respondent : SC, IRRIGATION

**BEFORE
HONOURABLE MR. JUSTICE LANUSUNGKUM JAMIR**

ORDER

Date : 05.04.2024

Heard Mr. K. Mira, learned counsel for the petitioner.

Ms. D.S. Neogi, learned Standing counsel, Irrigation Department, appears for respondent Nos. 1 & 3 and Mr. D. Bora, learned Government Advocate appears for respondent No. 2.

The father of the petitioner while working as Section Assistant in the Department of Irrigation under the Executive Engineer, Hailakandi and died in harness on 17.11.2010. Thereafter, the mother of the petitioner made an application for appointment on compassionate grounds. The District Level Committee, Hailakandi in its meeting held on 09.12.2011, considered the case of the mother of the petitioner for appointment on compassionate grounds and rejected her case due to being over-aged.

The petitioner, thereafter, on attaining the age of the majority, made an application for appointment on compassionate grounds on 27.06.2023. The case of the petitioner is that his case has not been considered by the District Level Committee and hence, the present writ petition.

After perusing the materials available on record, it is seen that the mother of the petitioner did not challenge the rejection of the District Level Committee which was held on 09.12.2011, whereby the case of the petitioner's mother was rejected as being over-aged. Thereafter, after lapse of about 13 years, the petitioner made his application for appointment on compassionate grounds on 27.06.2023.

It is to be noted that even if the age of the petitioner on the date of filing his application for appointment on compassionate grounds in the year, 2023 is taken into account, even then, it is apparent that he has survived for more than 13 years without any Government employment, therefore, there is no justification for this Court to presume that the element of compassionate is still present in the case of the petitioner. The immediacy of need is not available in the given facts of the present case and accordingly, there is no merit in the present writ petition and the same is accordingly dismissed. No Cost.

JUDGE

Comparing Assistant