

GAHC010041702024



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

Case No. : WP(C)/1221/2024

NITUL MALAKAR
S/O LATE MAHENDRA MALAKAR
RESIDENT OF VILLAGE BARBALISITHA, PO AND PS KHOIRABARI DIST
UDALGURI, ASSAM

VERSUS

THE STATE OF ASSAM AND 6 ORS
REPRESENTED BY THE SECRETARY TO THE GOVT. OF ASSAM, PUBLIC
HEALTH ENGINEERING DEPARTMENT ASSAM SECRETARIATE, DISPUR
GUWAHATI , ASSAM 781006

2:THE ADDITIONAL CHIEF ENGINEER (OHE) CUM DIRECTOR
PHED
BTAD
KOKRAJHAR
ASSAM

3:THE EXECUTIVE ENGINEER (PHE)
TANGLA DIVISION
TANGLA DIST UDALGURI
ASSAM

4:THE PRINCIPAL SECRETARY
BODOLAND TERRITORIAL COUNCIL
KOKRAJHAR ASSAM

5:THE DISTRICT COMMISSIONER
UDALGURI ASSAM

6:THE STATE LEVEL COMMITTEE FOR COMPASSIONATE APPOINTMENT
REPRESENTED BY ITS CHAIRMAN THE CHIEF SECRETARY TO THE GOVT.
OF ASSAM
ASSAM SECRETARIATE
DISPUR

GUWAHATI ASSAM 781006

7:THE DISTRICT LEVEL COMMITTEE FOR COMPASSIONATE
APPOINTMENT
BODOLAND TERRITORIAL COUNCIL
REPRESENTED BY ITS PRINCIPAL SECRETARY BODOLAND TERRITORIAL
COUNCIL. KOKRAJHAR
ASSA

Advocate for the Petitioner : MR SAURADEEP DEY

Advocate for the Respondent : GA, ASSAM

BEFORE
HON'BLE MR. JUSTICE LANUSUNGKUM JAMIR
O R D E R

04.03.2024

Heard Mr. S. Dey, learned counsel for the petitioner. Also heard Mrs. M. Kalita, learned Standing Counsel, PHE for respondent No.1; Mr. S. Borah, learned Standing Counsel, BTC for respondent Nos.2, 3, 4 and 7 and Ms. A. Talukdar, learned Government Advocate, Assam for respondent Nos.5 and 6.

2. The father of the petitioner, late Mahendra Malakar, while serving as Section Assistant at Tangla PHE Division under Undalguri district, died-in-harness on 06.04.2013. Thereafter, the petitioner made an application for appointment on compassionate ground on 28.07.2013. The Executive Member, BTC also recommended the case of the petitioner on 13.08.2013. The application of the petitioner was forwarded to the Principal Secretary, BTC, Kokrajhar by the Executive Engineer, PHE, Tangla Division on 20.09.2013.

3. The petitioner is aggrieved as his case is yet to be considered by the concerned DLC till date.

4. Considering the short issue involved, this writ petition is disposed of directing the concerned DLC to consider the case of the petitioner for appointment on compassionate

ground in its next immediate sitting. However, if the case of the petitioner has already been considered, the outcome of such consideration shall be communicated to the petitioner forthwith.

5. With the above observations and directions, this writ petition is disposed of.

JUDGE

Comparing Assistant