

GAHC010056562023



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

Case No. : WP(C)/1650/2023

BILAL UDDIN BARBHUIYA
S/O- LATE SIRAJUDDIN BARBHUIYA,
R/O- VILLAGE SAHABAD PART II,
P.O- SAHABAD, P.S- KATLICHERA, DIST- HAILAKANDI, ASSAM, PIN-788163

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVT. OF ASSAM,
DISPUR, GUWAHATI-6

2:THE STATE LEVEL COMMITTEE
(FOR COMPASSIONATE APPOINTMENT) TO BE REP. BY THE CHIEF
SECRETARY
TO THE GOVT. OF ASSAM
DISPUR
GUWAHATI-06

3:THE DEPUTY COMMISSIONER
CUM CHAIRMAN OF DISTRICTLEVEL COMMITTEE (DLC)
HAILAKANDI

P.O AND DIST- HAILAKANDI
ASSAM
PIN-788151

4:THE CHIEF ENGINEER

PUBLIC WORKS DEPARTMENT (ROAD)
ASSAM
CHANDMARI
GUWAHATI-03

5:THE EXECUTIVE ENGINEER

PUBLIC WORKS DEPARTMENT
HAILAKANDI
DISTRICT TERRITORIAL ROAD DIVISION
HAILAKANDI
ASSAM
PIN-78815

Advocate for the Petitioner : MR. A K DUTTA

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE K. SEMA

ORDER

20.03.2024

Heard Mr. A.K. Dutta, learned counsel for the petitioner and Mr. D. Borah, learned Government Advocate for the State respondents.

2. The case of the petitioner in brief is that his father, late Siraj Uddin Barbhuiya, who was serving as a Grade-IV in the Office of the Executive Engineer, PWD, Hailakandi, Rural Road Division, died in harness on 03.08.2009. The petitioner being the son of the deceased Government employee and being qualified submitted the application dated 05.08.2009 in the required format for compassionate appointment. As no information was forthcoming from the respondent authorities on the application submitted by the petitioner, the petitioner again on 07.02.2011 as well as 21.01.2014 submitted applications to the Executive Engineer, PWD, Hailakandi, Rural Road Division, for considering the appointment of the petitioner on compassionate ground. In response to the application submitted by the petitioner the Deputy Commissioner and Chairman,

District Level Committee, Hailakandi, furnished the copy of the order dated 13.05.2022 stating therein that although the petitioner was found eligible for appointment to Grade-IV or equivalent post, the case of the petitioner could not be considered due to lack of vacancy for compassionate appointment in the Office of the Executive Engineer, PWD, Territorial Road, Hailakandi. The order further provided that the proposal for considering the application of the petitioner is kept pending for the next District Level Committee.

3. Being aggrieved by the order dated 13.05.2022 passed by the Deputy Commissioner and Chairman, District Level Committee, Hailakandi, the present writ petition has been filed impugning the order dated 13.05.2022 as well as seeking for a direction to the State respondents to consider the appointment of the petitioner against Grade-IV post on compassionate ground by placing the case of the petitioner before the next available District Level Committee.

4. Mr. D. Borah, learned Government Advocate submits that the writ petition can be disposed of with a direction to the State respondents to place the case of the petitioner before the next District Level Committee for considering the appointment of the petitioner on compassionate ground in any available vacancy in accordance with law. Mr. A.K. Dutta, learned counsel for the petitioner is not averse to the submission made by the learned Government Advocate.

5. In view of the submissions made by the learned counsel for the parties, this Court directs that the application dated 05.08.2009 submitted by the petitioner shall be positively placed before the next District Level Committee and the District Level Committee shall thereafter consider the

case of the petitioner for compassionate appointment against any available vacancy and in accordance with law. Any rejection of the application submitted by the petitioner shall be by a speaking order.

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

JUDGE

Comparing Assistant