

GAHC010061432017



2024:GAU-AS:13163

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

**Case No. : WP(C)/8207/2017**

CHARAN BORO  
S/O LT. DHANA RAM BORO R/O VILL- BUNMAJA PAM NAPARA P.O.  
HOWLY P.S. GOBARDHANA DIST. BAKSA, BTAD, ASSAM PIN - 781316

VERSUS

THE STATE OF ASSAM and 6 ORS.  
REP. BY THE CHIEF SECRETARY -CUM-CHAIRMAN, OF THE STATE LEVEL  
COMMITTEE FOR COMPASSIONATE APPOINTMENT, ASSAM, DISPUR,  
GUWAHATI -6.

2:THE COMMISSIONER AND SECRETARY TO GOVT. OF ASSAM  
TOURISM DEPARTMENT  
DISPUR GHY-6

3:THE UNDER SECRETARY TO THE GOVT. OF ASSAM  
TOURISM DEPARTMENT  
DISPUR  
GHY-6

4:THE COMMISSIONER AND SECRETARY TO THE GOVT. ASSAM  
FINANCE DEPARTMENT  
DISPUR  
GHY-6

5:THE DIRECTOR OF TOURISM  
ASSAM  
STATION ROAD  
GHY-01

6:THE INFORMATION OFFICER  
BARPETA ROAD  
DIST- BARPETA

ASSAM PIN -781315

7:THE DISTRICT LEVEL COMMITTEE  
REPRESENTED BY THE CHAIRMAN-CUM-DEPUTY COMMISSIONER  
BARPETA FOR APPOINTMENT ON COMPASSIONATE GROUND  
DIST-BARPETA  
ASSAM PIN-781301

**Advocate for the Petitioner** : MDI H KHAN, MSN NASRIN,MR.M U MONDAL

**Advocate for the Respondent** : , GA, ASSAM(R1-3, 5-7),SC, FINANCE(R4)

**BEFORE**  
**THE HON'BLE MR JUSTICE ARUN DEV CHOUDHURY**  
**O R D E R**

**05.02.2024**

1. Heard Mr. MU Mondal, learned counsel for the petitioner. Also heard Mr. JK Goswami, learned Government Advocate, Assam and Mr. B Gogoi, learned standing counsel for the Finance Department.
2. The father of the petitioner namely Lt. Dhana Ram Das died in harness on 18-11-2004, while he was serving as post of Grade-IV (Mali), in the office of Tourist Information, Barpeta Road under Tourism Department. Being qualified and eligible, the petitioner applied on 04-12-2004 for appointment on compassionate ground and accordingly his name has been recommended by the District Level Committee, Barpeta for appointment as Grade-IV (Mali) on compassionate ground by its minute dated 26-04-2007. But the State Level Committee vide impugned minute dated 19.04.2008 has rejected the case of the petitioner on the ground of lack of vacancy. Thereafter, the petitioner came to know from the Tourist Information Office, Barpeta Road that there are available vacancies of Grade-IV. Having such information, the petitioner on 8.06.2013 filed a representation before the respondent No. 1, but till date no

action has been taken by the respondent authorities. Accordingly, the present writ petition is filed.

3. Law is by now well settled that the provision of compassionate appointment is an exception to the general recruitment procedure, to address the immediate financial crisis faced by the family of deceased employee. Such scheme cannot be viewed as a source of regular recruitment, rather the object of such scheme is to provide support to the dependant on the death of the employee and resultant financial distress.
4. It is equally well settled that such application cannot be considered after prolong delay, when the family of the deceased has been able to sustain themselves.
5. In the case in hand, the father of the petitioner died in harness on 18.11.2004. His case was duly considered by the authorities for compassionate appointment and it was rejected by the State Level Committee on 19.04.2008 for want of vacancies.
6. The petitioner thereafter filed his representation on 08.06.2015 i.e. after 7 years of such rejection and after 11 years since the death of his father and approached this court in the year 2017.
7. In view of the aforesaid, this court is of the considered opinion that at this stage, no direction can be issued for any compassionate appointment of the petitioner. Accordingly, this writ petition stands dismissed.

**JUDGE**

**Comparing Assistant**