

GAHC010061882023



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

Case No. : WP(C)/1982/2023

MANASH JYOTI BORGOHAIN
S/O- LATE HEMA KANTA BORGOHAIN,
R/O- BOARDING ROAD, NAZIRA,
P.O.- NAZIRA,
DIST.- SIVASAGAR, PIN- 785680,
ASSAM.

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE CHIEF SECRETARY,
GOVT. OF ASSAM,
DISPUR, GUWAHATI-06.

2:THE CHIEF SECRETARY
GOVT. OF ASSAM
DISPUR
GUWAHATI-06.
KAMRUP(M)
ASSAM.

3:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
EXCISE DEPARTMENT
DISPUR
GUWAHATI-06.

4:THE ADDITIONAL SECRETARY TO THE GOVT. OF ASSAM
EXCISE DEPARTMENT
DISPUR
GUWAHATI-06.

5:THE SUPERINTENDENT OF EXCISE

SIVASAGAR
DIST.- SIVASAGAR
ASSAM

PIN- 785680.

6:THE CHAIRMAN
STATE LEVEL COMMITTEE (SLC)
DISPUR
GUWAHATI-06

ASSAM

Advocate for the Petitioner : MR B P BORAH

Advocate for the Respondent : GA, ASSAM

BEFORE
HON'BLE MR. JUSTICE LANUSUNGKUM JAMIR

:: ORDER ::

06-03-2024

Heard Mr. B.P. Bora, learned counsel for the petitioner. Also heard Ms. A. Talukdar, learned Government Advocate, appearing on behalf of respondent Nos. 1, 2 and 6 as well as Ms. M Kalita, learned standing counsel, Excise Department, appearing for respondent Nos. 3, 4 and 5.

The father of the petitioner, Late Hema Kanta Borgohain, while serving as Excise Constable in the office of the Superintendent of Excise, Sivasagar, died-in-harness on 22-04-2016. Thereafter, the petitioner made an application praying for appointment on compassionate ground on 26-05-2016. The District Level Committee (DLC), in its meeting held on 04-11-2016, recommended the case of the petitioner against six number of vacant Excise Constable posts for the year

2016-17 in the office of the Excise Inspector, Sivasagar.

The State Level Committee (SLC), thereafter, considered the case of the petitioner, in its meeting held on 03-01-2019. However, the case of the petitioner was not recommended on the ground that there was dearth of vacancy.

Clause-15 of the Office Memorandum dated 01-06-2015, issued by the Department of Personnel:Personnel (B), Government of Assam, provides that if sufficient vacancy is not available in the concerned Department to accommodate a person in the waiting list for compassionate appointment, it is open to the administrative Department/office to take up the matter with other Departments/offices of the Government to provide an early appointment on compassionate grounds to those persons in the waiting list.

Perusal of the records would indicate that the SLC has failed to consider the Clause-15 of the Office Memorandum dated 01-06-2015.

Accordingly, this matter is remanded to the SLC to reconsider the case of the petitioner by applying Clause-15 of the Office Memorandum dated 01-06-2015, in its next immediate sitting and pass appropriate order.

With the above observation and direction this writ petition is disposed of.

JUDGE

Comparing Assistant