

GAHC010085592024



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

Case No. : WP(C)/2323/2024

RUPTON DAIMARI

S/O- LATE JUNASH DAIMARI, R/O- VILL.- GERSONG, P.O. BANDARGURI,
PS. AND DIST. UDALGURI (BTR), ASSAM, PIN- 784509.

VERSUS

THE STATE OF ASSAM AND 7 ORS
REP. BY THE CHIEF SECRETARY-CUM-CHAIRMAN, STATE LEVEL
COMMITTEE, GOVT. OF ASSAM, DISPUR, GHY-781006.

2:THE COMMISSIONER AND SECRETARY
GOVT. OF ASSAM
PUBLIC HEALTH ENGINEERING DEPARTMENT
DISPUR
GHY-781006.

3:THE CHIEF ENGINEER (PHE) WATER
HENGRABARI
GUWAHATI
DIST. KAMRUP(M)
ASSAM
PIN- 781036.

4:THE JOINT SECRETARY

BODOLAND TERRITORIAL COUNCIL
KOKRAJHAR
ASSAM
PIN- 783370.

5:THE PRINCIPAL SECRETARY
BTC CUM CHAIRMAN DLC

KOKRAJHAR
DIST. KOKRAJHAR-783370.

6:THE DISTRICT COMMISSIONER CUM CHAIRMAN
DISTRICT LEVEL COMMITTEE FOR COMPASSIONATE APPOINTMENT
UDALGURI DISTRICT
ASSAM
PIN- 784509.

7:THE ADDITIONAL CHIEF ENGINEER (PHE)

CUM DIRECTOR
PHED
BTC
KOKRAJHAR
DIST. KOKRAJHAR
PIN- 783370.

8:THE EXECUTIVE ENGINEER (PHE)
TANGLA DIVISION
TANGLA
DIST. UDALGURI
ASSAM
PIN- 784521

Advocate for the Petitioner : MR. M KALITA

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE LANUSUNGKUM JAMIR

ORDER

Date : 03.05.2024

Heard Mr. J. Hatimuria, learned counsel for the petitioner. Also heard Ms. J. K. Goswami, learned Addl. Senior Govt. Advocate for the respondent Nos. 1 and 6; Ms. M. Kalita, learned standing counsel, PHE Department for the respondent Nos. 2 and 3 and Mr. R. K. Mochahary, learned standing counsel, BTC for the respondent Nos. 4, 5, 7 and 8.

2. The father of the petitioner late Junash Daimari while serving as Grade-IV employee (Pump Operator) in the Office of Executive Engineer (PHE) Tangla Division, Tangla, died-in-harness on 17.08.2014. The petitioner thereafter made an application for appointment on compassionate grounds. The application of the petitioner was forwarded to the Director, PHED, BTC, Kokrajhar by Joint Secretary, BTC Kokrajhar by letter dated 08.06.2015. However, as the petitioner had no intimation with regard to the outcome of his application for appointment on compassionate grounds despite a considerable period of time, he approached this Court by filing WP(C)/1282/2023. While the said writ petition was pending, the learned standing counsel, BTC produced the minutes of the meeting of the DLC held on 20.08.2016 by which the case of the petitioner was rejected on the ground that no vacant sanctioned post of Pump Operator was available. Accordingly, the petitioner withdrew the said Writ Petition with liberty to file afresh which was accordingly permitted by order dated 06.03.2024.

3. In the present writ petition, petitioner is challenging the minutes of the DLC dated 20.08.2016 on the ground that if there is no post of Pump Operator available at that period of time, petitioner could have been considered for any Grade-IV post. Further the case of the petitioner is that Clause-15 of the Office Memorandum dated 01.06.2015 has not been considered by the concerned DLC when the case of the petitioner was rejected in its meeting held on 20.08.2016.

4. Mr. R. K. Mochahary, learned standing counsel, BTC fairly submits that the case may be remanded to the concerned BTC for reconsideration of the case of

the petitioner.

5. Accordingly this writ petition is disposed of by remanding the matter back to the concerned District Level Committee for reconsideration of the case of the petitioner to any Grade-IV post. In the event if no Grade-IV post is available, the concerned DLC shall take into consideration Clause-15 of the OM dated 1st June, 2015 issued by the Department of Personnel, Personnel (B), Government of Assam and thereafter pass appropriate order(s). The concerned DLC shall reconsider the case of the petitioner in its next immediate sitting.

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

JUDGE

Comparing Assistant