

GAHC010092882024



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

**Case No. : WP(C)/2500/2024**

DIPU BORO  
W/O- LATE BAGARAM BORO,  
R/O- VILLAGE SATHIKARPA,  
P.S- PALASHBARI,  
P.O- BONGARA, DIST- KAMRUP, ASSAM, PIN-781128

VERSUS

THE STATE OF ASSAM AND 3 ORS  
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,  
DISPUR, GUWAHATI-06

2:THE DIRECTOR GENERAL OF POLICE  
ASSAM POLICE HQTR  
ULUBARI  
GUWAHATI-07

3:THE DISTRICT LEVEL SELECTION COMMITTEE FOR COMPASSIONATE  
APPOINTMENT  
KARIMGANJ  
REP. BY THE DEPUTY COMMISSIONER  
KARIMGANJ  
ASSAM  
PIN-788720

4:THE COMMANDANT  
15TH AP (IR)  
BATTALION  
ERALIGOOL  
KARIMGANJ  
ASSAM  
PIN-78872

**Advocate for the Petitioner : MR. P K DAS**

**Advocate for the Respondent : GA, ASSAM**

**BEFORE  
HONOURABLE MR. JUSTICE KALYAN RAI SURANA**

**ORDER**

**15.05.2024**

Heard Mr. K.D.Sharma, learned counsel for the petitioner. Also heard Ms. A. Talukdar, learned Government Advocate for all the respondents.

2. The case of the petitioner is that his father was working as Havilder in 15th Assam Police (IR) Battalion has suffered a disciplinary proceeding and he was removed from service by an order dated 10.01.2014. However, he died-in-harness on 29.05.2015. After the death of the father of the petitioner, his mother had filed an appeal on 30.07.2019. In connection with the said appeal, the appellate authority i.e, the Deputy Inspector General of Police (AP), Assam-cum-Appellate Authority passed an order dated 10.11.2020 by setting aside the order of removal from service and the deceased father of the petitioner was reinstated in service w.e.f. 30.12.2013 with all financial benefits.

3. Thereafter, the petitioner had submitted an application on 08.11.2021 on being appointed on compassionate ground. His application was not considered and thereafter the petitioner had filed an RTI application dated 31.08.2023 before the respondent no. 5 and as the petitioner did not get any reply from the said respondent, the petitioner had approached this Court by filing a writ petition being WP(C) No. 5821/2023, and after receiving the RTI reply, the writ

petition was withdrawn.

4. The learned counsel for the petitioner projects that he made a fresh application on 12.10.2023 for appointment on compassionate ground. However, as his name was not considered, this writ petition has been filed under Article 226 of the Constitution of India.

5. Under the facts as narrated above, it is seen that on 29.04.2015 when the father of the petitioner had expired, his father was not in service. Therefore, upon his service being posthumously restored pursuant to order dated 10.11.2020, the father of the petitioner would only be entitled to financial benefit. In the considered opinion of this Court, the grant of all service benefits would not revive the status of the father of the petitioner to have died-in-harness on 29.04.2015.

6. Be that as it may, even if it is considered for the time being that the father of the petitioner had died-in-harness on 29.04.2015, yet under the relevant provisions of the Office Memorandum dated 01.06.2015 on compassionate appointment, an application for compassionate appointment is required to be made within a period of 1 year from the date of death. Admittedly, the petitioner did not pursue his earlier application for compassionate appointment made on 08.11.2021 rather he had submitted a fresh application on 12.10.2023, nonetheless both the applications are beyond the prescribed period of 1 year.

7. In the cases of belated consideration of application for compassionate appointment, the Supreme Court of India in the *State of West Bengal v Debabrata Tiwari and Ors*, AIR 2023 SC 1467: (2023) 0 Supreme (SC) 191, the consideration for appointment on compassionate ground after considerable

delay has been deprecated. Therefore, on the ground of delay, the application of the petitioner though remained unattended, it will disentitle the petitioner to consider him for appointment on compassionate ground.

8. Therefore, on both the counts as indicated above, this writ petition fails and the same is dismissed.

**JUDGE**

**Comparing Assistant**