

GAHC010094792024



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

Case No. : WA/158/2024

PANKAJ BHUYAN
S/O- LT. TOPEDHAR BHUYAN, VILL.- KUTUWAGURI GAON, P.O.- TELAHI,
DIST.- LAKHIMPUR, ASSAM.

VERSUS

THE STATE OF ASSAM AND 3 ORS
TO BE REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVT. OF ASSAM, DEPARTMENT OF HOME AND POLITICAL, GUWAHATI-
06.

2:THE DIRECTOR GENERAL OF POLICE
ASSAM
ASSAM POLICE HEADQUARTER

ULUBARI
GUWAHATI- 781007.

3:THE DY. COMMISSIONER
LAKHIMPUR CUM CHAIRMAN DISTRICT LEVEL COMMITTEE FOR
COMPASSIONATE APPOINTMENT
DIST.- LAKHIMPUR
ASSAM.

4:THE SUPERINTENDENT OF POLICE
LAKHIMPUR
DIST.- LAKHIMPUR
ASSAM

Advocate for the Petitioner : MR M J QUADIR

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE THE CHIEF JUSTICE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

29.05.2024

(Vijay Bishnoi, CJ)

The application filed by the appellant seeking compassionate appointment was rejected by the respondent State. Challenging the said action of the State, the appellant preferred a writ petition, being WP(C) 643/2023, before this Court which came to be dismissed by the learned Single Judge vide the impugned judgment dated 10.04.2024. Being aggrieved with the order passed by the learned Single Judge, the instant writ appeal has been preferred by the appellant.

The learned Single Judge has dismissed the writ petition taking into consideration paragraph 7.5 of the judgment rendered by the Hon'ble Supreme Court in the case of ***State of West Bengal vs. Debabrata Tiwari***, reported in ***(2023) SCC Online SC 219***.

Having heard the learned counsel for the appellant and after going through the material available on record, we are of the view that it is not advisable to issue a direction to the respondents to provide appointment to the appellant on compassionate ground after so many years, as the father of the appellant, who was in government service, died way back in the year 2007. The appellant and his family members have survived since 2007 without a government job. Hence, the learned Single Judge has rightly come to the conclusion that any direction issued to the respondents to provide appointment to the appellant on compassionate ground after a period of 17 years of the death of his father would not be in sync with the objective of the scheme of compassionate appointment.

Hence, we do not find any case for interference with the impugned order. Accordingly, the writ appeal is dismissed.

JUDGE

CHIEF JUSTICE

Comparing Assistant