

GAHC010119802015



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

Case No. : WP(C)/4905/2015

DHRUBA JYOTI DAS
S/O SRI NIBARAN CHANDRA DAS, R/O TARPUR, SIBBARI ROAD, NATUN
SARANI, SILCHAR-8, P.O. SILCHAR, DIST- CACHAR, ASSAM

VERSUS

THE STATE OF ASSAM AND 3 ORS
REP. BY THE COMMISSIONER AND SECY. TO THE GOVT. OF ASSAM,
WATER RESOURCE DEPTT., DISPUR, GHY-6

2:THE SECY. TO THE GOVT. OF ASSAM
WATER RESOURCE DEPTT.
DISPUR
GHY-6

3:THE CHIEF ENGINEER
WATER RESOURCE DEPTT.
CHANDMARI
GHY-3

4:THE EXECUTIVE ENGINEER
WATER RESOURCE DEPTT.
SILCHAR DIVISION
SILCHAR
DIST- CACHAR
ASSA

Advocate for the Petitioner : MRA HAWARI, MD.S ISLAM,MR.J MOLLAH

Advocate for the Respondent : , MR.B GOSWAMI,SC, WATER RESOURCE

**BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR**

ORDER

Date : 01.08.2024

None has appeared for the petitioner on call.

Heard Mr. C. Sharma, learned Standing Counsel for the Water Resources Department appearing for all the respondents.

The petitioner, in the present proceeding has prayed for a direction upon the respondent authorities for appointing him against any Grade-IV post in the department, in lieu of the land donated by the family of the petitioner for construction of embankment by the Water Resources Department.

On perusal of the materials brought on record, it is revealed that the Grandfather of the petitioner herein, had donated a plot of land to the department for carrying out construction of embankment at Silchar, sometime in the year 1993. The petitioner thereafter had submitted repeated applications before the respondent authorities, praying for his appointment against any Grade-IV post in the department and in this connection had also relied upon the processing made in respect of cases of other similarly situated land donors for their appointment against vacant posts in the department.

It is seen that the petitioner had made such representations till around 2000 and thereafter, there is no material indicating the petitioner pursuing the matter. However, suddenly, after 15 years, on 19.01.2015, the petitioner

has preferred a further representation before the Secretary, Water Resources Department, Government of Assam, praying for his appointment against a Grade-IV post in lieu of the land donated by his family.

The respondents have filed an affidavit in the matter, wherein, it is brought on record that there is presently no scheme in vogue towards appointing a family member of a land donor against a vacant post in the department.

In the present matter, it is seen that the land so donated was by the grandfather of the petitioner and there is no material brought on record, that at the relevant point of time when the land was so donated, the grandfather had required the department to consider the case of the petitioner i.e. his grandson, for such appointment.

The respondents have categorically stated that although the petitioner had pursued the matter at the initial stage, however, after 2000, the petitioner had not pursued such claim and after gap of 15 years, the petitioner has again preferred a representation and thereafter, instituted the present proceeding.

It is stated that during the period 1999 to 2000, when the matter was so pursued by the petitioner, there was no vacant post available in the department against which the petitioner would have been so accommodated and accordingly, after receipt of the said representation dated 19.01.2015, after more than 15 years from the last such step that was taken by the petitioner, the department was not in a position to consider the case of the petitioner herein.

In view of the above position and also noticing the categorical stand of the respondent authorities that there exist no scheme for appointing a member of the family, who had donated land to the department, this Court holds that no legal right of the petitioner herein, had been so infringed in the matter. Accordingly, the writ petition is held to be devoid of merit and the same stands dismissed. However, there would be no order as to costs.

JUDGE

Comparing Assistant