

GAHC010120912024



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

Case No. : WP(C)/3234/2024

SANJIB LAHARY @ SANJIB LAHARI
S/O- LATE ARJUN LAHARY @ ARJUN LAHARI, R/O- VILL.- NIZ DEFELI,
GARAMSING, P.O. NIZ DEFELI, P.S. TAMULPUR, DIST- BAKSA, ASSAM, PIN-
781367.

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, PUBLIC WORKS (ROADS) DEPARTMENT,
DISPUR, GROUND FLOOR, BLOCK-B, ASSAM SECRETARIAT, GUWAHATI-
781006.

2:THE CHIEF ENGINEER
P.W.D. (ROADS DIVISION)

CHANDMARI
GUWAHATI-781003.

3:THE EXECUTIVE ENGINEER
PWD (R)

MUSHALPUR DIVISION
MUSHALPUR
BAKSA
BODOLAND TERRITORIAL REGION
ASSAM

4:THE BODOLAND TERRITORIAL REGION (BTR)

REPRESENTED BY ITS PRINCIPAL SECRETARY CUM C.E.O
BODOFA NWGWR

BODOLAND TERRITORIAL COUNCIL SECRETARIAT
KOKRAJHAR
BTR
ASSA

Advocate for the Petitioner : MD. M H CHOUDHURY

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

Date : 26.06.2024

Heard Mr. P. Chakraborty, learned counsel for the petitioner. Also heard Mr. R. Dhar, learned standing counsel for the PWD, respondent nos.1, 2 and 3; and Mr. V. Choudhury, learned standing counsel for the BTC, respondent no.4.

2. The case of the petitioner is that his father Arjun Lahari was serving as Muster Roll worker under PWD (Roads) Division, Baksa and he died on 17.07.2017.

3. As per the representation annexed to this writ petition as Annexure-F, it appears that the prayer of the petitioner was to provide him with the arrear salary of his father. However, in the prayer made in this writ petition, the petitioner is seeking a direction upon the respondent authorities to appoint him in a Grade-IV post.

4. In this writ petition, there is no document to show that the service of the father of the petitioner was regularized. Moreover, it is seen that the petitioner had not applied for appointment on compassionate ground in the manner prescribed.

5. Unless the petitioner is able to demonstrate that the service of his father was regularized, the petitioner would not be able to make a claim for appointment on compassionate ground.

Even assuming that the petitioner has applied for appointment on compassionate ground, but in view of the Principle-X laid down in the judgment of this Court in the case of *Achyut Ranjan Das Vs. State of Assam & Ors., 2006 (4) GLT 674* and in view of the OM dated 01.06.2015, the Court does not find the petitioner to be entitled for appointment on compassionate ground.

6. Accordingly, this writ petition stands dismissed at the motion stage without issuance of notice on the respondents.

JUDGE

Comparing Assistant