

GAHC010136332024



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

Case No. : WA/272/2024

DEEPAM CHUTIA
S/O LATE PRADIP CHUTIA, R/O- VILL- LAHING ERA GAON, P.O. LAHING,
P.S. TEOK, DIST.- JORHAT, ASSAM, PIN- 785635

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, IRRIGATION DEPARTMENT, ASSAM SECRETARIAT, DISPUR,
GUWHATI- 781006

2:THE STATE LEVEL COMMITTEE (FOR COMPASSIONATE APPOINTMENT)
TO BE REPRESENTED BY THE CHIEF SECRETARY TO THE GOVT. OF
ASSAM
DISPUR
GUWAHATI- 788006

3:THE DEPUTY COMMISSIONER CUM CHAIRMAN OF DISTRICT LEVEL
COMMITTEE (DLC)
JORHAT
DIST. JORHAT
ASSAM

4:THE CHIEF ENGINEER
IRRIGATION
ASSAM
CHANDMARI
GUWAHATI- 781003

5:THE EXECUTIVE ENGINEER
JORHAT-DERGAON-TEOK DIVISION (IRRIGATION)
JORHAT

DIST. JORHAT
ASSAM
PIN- 78500

For the petitioners : Mr. S. Sutradhar, Advocat
For respondent(s) : Mr. N. Das, GA, Assam
Mr. N. Upadhyaya, Advocate

– BEFORE –

HON'BLE THE CHIEF JUSTICE MR. VIJAY BISHNOI
HON'BLE MR. JUSTICE SUMAN SHYAM

14.08.2024

(Vijay Bishnoi, CJ)

This writ appeal is filed by the appellant being aggrieved with the order dated 05.06.2024 passed by the learned Single Judge in WP(C) No. 2906/2024, whereby the said writ petition filed by the appellant has been dismissed.

The appellant approached the writ court with a prayer to direct the respondent authorities to provide him appointment on compassionate ground as per the Government Office Memorandum No. ABP/50/2006/Pt./182 dated 01.06.2015.

The learned Single Judge has dismissed the writ petition while relying on the decision of the Hon'ble Supreme Court in the case of ***State of West Bengal vs. Debabrata Tiwari***, reported in ***AIR 2023 SC 1467***, wherein the Hon'ble Supreme Court has categorically held that appointment on compassionate ground is not a vested right and such appointment is relative to the financial condition and hardship faced by the dependents of the deceased government employee as a consequence of his death and, therefore, a claim for compassionate

appointment may not be entertained after lapse of considerable period of time since the death of the government employee.

Learned counsel for the appellant has submitted that recently the Hon'ble Supreme Court in the case of ***Govinda Janardan Gaikwad vs. The State of Maharashtra and Ors.***, reported in **(2023) 0 SC 1273** has held that the action of the respondents in the said case of rejecting the claim of the appellant for compassionate appointment on the ground of delay is untenable. Relying on the said judgment, learned counsel for the appellant has submitted that the learned Single Judge ought to have issued a direction to the respondent authorities to consider the case of the appellant for compassionate appointment by ignoring the fact that the father of the appellant died way back in the year 2013.

The materials available on record reveal that the initial claim of the appellant for compassionate appointment was rejected by the District Level Scrutiny Committee (DLSC) on 26.06.2014. However, thereafter the appellant did not challenge the said decision of the DLSC. The case of the appellant was again considered by the DLSC and was again rejected. Thereafter, challenging the said decision of the DLSC, the appellant filed the writ petition in the year 2024.

Appointment on compassionate ground is provided to the dependent of the deceased government employee so that the hardship caused to the family due to the death of the government employee may be mitigated. In the present case, the father of the appellant died in the year 2013 and it cannot be said that the condition of the family has remained the same till date, because, since the death of the father of the appellant in the year 2013, the family members of the deceased government employee have been able to sustain themselves throughout the years.

It is also to be noticed that the scheme of providing compassionate appointment to the dependent of the deceased government employee has already been discontinued in the State of Assam since 01.04.2027.

Taking into consideration the above facts and circumstances of the case, we are of the view that no case for interference is made out.

Hence, this writ appeal is dismissed.

JUDGE

CHIEF JUSTICE

Comparing Assistant