

GAHC010146102024



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

Case No. : WP(C)/4462/2024

JUNMONI BEGUM

W/O- LATE MAJIBUR RAHMAN SIKDAR, VILL- NIZ GANDHMOW AND P.O.-
GANDHMOW, DIST.- KAMRUP (R), (ASSAM)

VERSUS

THE STATE OF ASSAM AND 3 ORS
TO BE REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, HOME DEPARTMENT, DISPUR, GUWAHATI-
781006

2:THE INSPECTOR GENERAL OF POLICE
ASSAM
ULUBARI
GUWAHATI-07

3:THE COMMANDANT
22ND A.P (IR) BATTALION
LIKABALI
DHEMAJI
P.O. LIKHABALI
DIST.- DHEMAJI
ASSAM

4:THE DISTRICT LEVEL COMMITTEE
DHEMAJI
REPRESENTED BY THE DEPUTY COMMISSIONER
DHEMAJI
P.O. DHEMAJI
DIST- DHEMAJI
ASSA

Advocate for the Petitioner : MR F A LASKAR, MR. D H MOZUMDER

Advocate for the Respondent : GA, ASSAM,

**BEFORE
HONOURABLE MR. JUSTICE NELSON SAILO**

ORDER

06.09.2024

Heard Mr. F.A Laskar, learned counsel for the petitioner, who submits that the petitioner applied for compassionate appointment on account of the death of her husband while in service with the Assam Police as a Constable. The case of the petitioner was initially taken up before the District Level Committee (DLC) held on 29.04.2014 but the DLC failed to consider the case of the petitioner due to non-availability of vacancy in the Grade-III post. The learned counsel submits that even such vacancy is not available, the respondent authorities ought to have consider the case of the petitioner against any other vacancy in another Department in terms of Clause 15 of the Office Memorandum dated 01.06.2015. The same having not been done, he submits that appropriate direction be passed to the respondent authorities.

Mr. R. Dhar, learned Addl. Senior Govt. Advocate at this stage submits that the petitioner is not correct in saying that her case was not considered by the DLC. Referring to the Meeting Minutes dated 29.04.2017, the learned counsel submits

that the DLC could not recommend the case of the petitioner for want of available vacancy in a Grade-IV post. Therefore it is clear that the case of the petitioner was considered on 29.04.2017. The petitioner now in the year 2024 cannot come with a plea that her case should have been considered in terms of Clause 15 of the Office Memorandum dated 01.06.2015 in view of the fact that the urgency or the sense of immediacy has already diluted and lost in view of the fact that the employee concerned died in harness in the year 2010. The learned counsel therefore submits that in view of the long passage of time, the issue of compassionate appointment in respect of the petitioner should not be reopened. In support of his submission, the learned counsel relied upon the case of *State of West Bengal –Vs- Debarata Tiwari & Ors.* reported in *AIR 2023 SC 1467*. The learned counsel submits that the said decision of the Apex Court has been relied upon by a Coordinate Bench of this Court in *WP(C) No. 4254/2024 (Sanjib Kumar Deuri -Vs- State of Assam & 4 Ors.)* which was disposed vide Judgment & Order dated 28.08.2024.

Upon perusing the materials available on record and hearing the parties and also the authorities relied upon, this Court is not inclined to entertain the writ petition at this stage. Accordingly, the same stands dismissed.

JUDGE

Comparing Assistant