

GAHC010152692024



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

Case No. : WP(C)/3869/2024

RUPA DAS
W/O- LATE SATISH CHANDRA DAS. R/O VILL- AGIA PT.II. P.O- AGIA, DIST-
GOALPARA, ASSAM. PIN - 783129

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE SECRETARY TO THE GOVT. OF ASSAM, PUBLIC
WORKS (ROAD) DEVELOPMENT, ESSTT. B. BRANCH, DISPUR, GUWAHATI-
6.

2:THE STATE LEVEL SELECTION COMMITTEE

REPRESENTED BY THE SECRETARY TO THE GOVT. OF ASSAM
PUBLIC WORKS (ROADS) DEVELOPMENT
ESSTT. B. BRANCH
DISPUR
GUWAHATI-6

3:THE EXECUTIVE ENGINEER

PWD
GOALPARA RURAL ROADS DIVISION
P.O. AND DIST- GOALPARA- 783101
ASSAM.

4:THE DISTRICT COMMISSIONER

GOALPARA
P.O AND DIST- GOALPARA- 783101
ASSA

Advocate for the Petitioner : MS. T BEGUM, MR. A ROSHID

Advocate for the Respondent : GA, ASSAM, SC, PWD

**BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI**

ORDER

02.08.2024.

Heard Shri A Roshid, learned counsel for the petitioner and Shri D Bora, learned State Counsel, Assam. Also heard Shri R Dhar, learned Standing Counsel, PWD.

The facts projected are that the father of the petitioner, Satish Ch. Das was working as a Regular Muster Roll Worker under the respondents and he had passed away while in service on 23.11.2015. The petitioner claims to have applied for appointment on compassionate ground and the District Level Committee (DLC), Goalpara vide Resolution dated 09.07.2017 had recommended her case. Shri Roshid, the learned counsel for the petitioner has contended that her case was however not considered by the State Level Committee (SLC) for which she has filed WP(C)/1783/2020. This Court had directed consideration of the case of the petitioner. The petitioner had thereafter filed Cont. Case (C) No. 608/2022 which was disposed of on 07.11.2022 to place the case of the petitioner before the SLC. It is contended that the petitioner is not aware of any such consideration.

Shri D Bora, the learned State Counsel on the other hand has submitted that the death being in the year 2015, any direction for appointment on compassionate ground would be against the very object and purpose of the scheme. It is submitted that the Hon'ble Supreme Court in a catena of decisions including the decision of ***State of West Bengal Vs. Debabrata Tiwari & Ors.***, reported in **AIR 2023 SC 1467** has laid down the principles and the case of the petitioner does not fall within those guidelines requiring any consideration.

The very object and purpose of the scheme for appointment on compassionate ground is to enable the bereaved family to tie over the sudden financial crisis on the death of a government servant while in service. It is a departure from the normal rule of recruitment and is an exception. It is not a vested right and the aspect of delay would be of paramount consideration.

At this stage, Shri Roshid, the learned counsel for the petitioner prays for withdrawing the writ petition.

Accordingly, the writ petition is dismissed on withdrawal.

JUDGE

Comparing Assistant