

GAHC010158082024



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

Case No. : I.A.(Civil)/2451/2024

PRITAM RABIDAS

S/O- LT. JUMUNA RABI DAS, R/O- PWD ROAD, WARD NO. 24, P.O. AND P.S.-
SILCHAR, DIST.- CACHAR, ASSAM, PIN- 788001.

VERSUS

THE STATE OF ASSAM AND 5 ORS

REP. BY THE COMMISSIONER AND SECY. TO THE GOVT. OF ASSAM, P.W.D.
(BUILDING AND N.H.) DEPTT., DISPUR, GHY- 6.

2:THE CHIEF ENGINEER

P.W.D. (BUILDING) DEPTT.
CHANDMARI
GHY- 3.

3:THE DY. COMMISSIONER-CUM-CHAIRMAN

DISTRICT LEVEL SELECTION COMMITTEE
SILCHAR
DIST.- CACHAR
ASSAM
PIN- 788001.

4:THE EXECUTIVE ENGINEER

PWD
GUWAHATI ELECTRICAL DIVISION
CHANDMARI
GHY- 3.

5:THE ASSTT. EXECUTIVE ENGINEER

PWD
SILCHAR ELECTRICAL SUB-DIVISION
DIST.- CACHAR
ASSAM
PIN- 788001.

6:THE CHAIRMAN STATE LEVEL COMMITTEE
REP. BY THE CHIEF SECRETARY TO THE GOVT. OF ASSAM
DISPUR
GUWAHATI-06

Advocate for the Petitioner : MR. H ALI, B BARMAN,MS S DAS,MR F U BARBHUIYA

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

Linked Case :

PRITAM RABIDAS
S/O- LT. JUMUNA RABI DAS
R/O- PWD ROAD
WARD NO. 24
P.O. AND P.S.- SILCHAR
DIST.- CACHAR
ASSAM
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Advocate for : MR. H ALI
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM AND 5 ORS

BEFORE
HONOURABLE THE CHIEF JUSTICE
HONOURABLE MR. JUSTICE KARDAK ETE

ORDER

Date : 21-08-2024

(Vijay Bishnoi, CJ)

This I.A. (Civil) No.2451/2024 is filed on behalf of the applicant, with the

prayer to condone the delay of ninety one (91) days in filling the connected Appeal.

2. The connected Appeal is filed by the appellant, being aggrieved with the judgment dated 05.04.2024, passed by the learned Single Judge in WP(C) No.4335/2020. The appellant had approached the Writ Court with the contention that his father, who was working as Grade-IV employee in the office of the Executive Engineer, PWD, Silchar Electrical Sub-Division, had died in harness on 26.10.2020. It is the case of the appellant that he applied for appointment on compassionate ground on 04.01.2011 and the District Level Committee has recommended the case of the appellant vide Minutes of the meeting dated 28.05.2013. However, the respondents have not informed the appellant about the fate of his application and when the appellant has applied under the Right to Information Act, in the year 2015 and 2020, he was informed that the State Level Committee, in it's meeting held on 20.08.2018, has rejected the case of the petitioner, on the ground that the ceiling of 5% was already met.

3. The learned Single Judge, after hearing the learned counsel for parties has recorded the finding that there is no illegality in the action of the State Level Committee in rejecting the case of the appellant on the ground that the ceiling of 5% has already met. The learned Single Judge has further observed that the Hon'ble Supreme Court, in *State of West Bengal vs. Debabrata Tiwari and others*, reported in *AIR 2023 SC 1467*, has clearly laid down that in case of prolonged delay, either on the part of the applicant or the authorities, the sense of immediacy is diluted and lost. The learned Single Judge has opined that in view of the law laid down by the Hon'ble Supreme Court, in *Debabrata Tiwari (Supra)*,

there is no option except to hold that any other further direction for consideration of the case of the appellant on compassionate ground would not be in sync with the objective of the scheme for compassionate appointment.

4. It is an admitted position that the father of the appellant had died in harness in the year 2010 and after that, fourteen (14) years have passed. But the family of the appellant has survived without the Government employment.

5. Taking into consideration the above facts and circumstances of the case and the law laid down by the Hon'ble Supreme Court, in *Debabrata Tiwari (Supra)*, we do not find any illegality in the view taken by the learned Single Judge.

6. In such circumstances, we are of the view that no case for interference is made out. Resultantly, the I.A. (Civil) No.2451/2024 as well as the connected Writ Appeal are dismissed.

JUDGE

CHIEF JUSTICE

Comparing Assistant