

GAHC010164312022



2024:GAU-AS:11577

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

Case No. : WP(C)/5353/2022

DIPEN KUMAR
S/O- LATE TARUN DAS ,
R/O- VILLAGE BICHENNALA,
P.O- JAMTOLA, P.S- RANGIA, DIST- KAMRUP, ASSAM, PIN-781354

VERSUS

THE STATE OF ASSAM AND 2 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY, TO THE
GOVERNMENT OF ASSAM, P.W.D, DISPUR, GUWAHATI-781006

2:THE CHIEF ENGINEER P.W.D (BUILDING) ASSAM CHANDMARI
GUWAHATI-03

3:THE DEPUTY COMMISSIONER KAMRUP (M) GUWAHATI-0

Advocate for the Petitioner : B KUMAR, MR. S UPADHAY

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

BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 25.11.2024

None appears for the petitioner, on call. However, Mr. R. Dhar, learned Addl. Senior Government Advocate, and Mr. D. Boarh, learned counsel, are present on behalf of their respective respondents.

The petitioner, in the present proceeding, has raised a grievance with regard to non-consideration of his case for appointment on compassionate ground in terms of the Office Memorandum, dated 09.09.1983.

As projected in the writ petition, the father of the petitioner Late Tarun Ch. Das, while working as a Grade-IV employee, in the establishment of the Chief Engineer, PWD (Building), Assam, had died-in-harness on 03.07.2005.

The petitioner, herein, being the eldest son of the deceased government employee had submitted his application for appointment on compassionate ground, however, the same as contended in the writ petition, was not considered.

The petitioner and his family members had survived for the last around 19 years without being extended with an appointment on compassionate ground. Accordingly, the immediacy for extending appointment on compassionate ground to the petitioner and/or his family members, has lost its efficacy.

Mr. Dhar, learned Addl. Senior Government Advocate, has placed before this Court, a copy of the Office Memorandum, dated 18.09.2024, issued by the Government of Assam, Personnel-B Department, wherein, it is stipulated that in view of the decision rendered by the Hon'ble Supreme Court in the case of State of W.B. v. Debabrata Tiwari & ors.[reported in (2023) SCC Online SC 219]; it has been decided by the State Government that no cases for appointment on compassionate ground to family members of the State Government employees who died-in-harness or retired prematurely on being declared permanently incapacitated for service or missing and whose whereabouts is not known, prior to 31.03.2017; shall be entertained by any administrative department/authority for any reason whatsoever and/or be placed before the State Level Committee/

District Level Committee.

In view of the above decision of the Hon'ble Supreme Court rendered in the case of Debabrata Tiwari(supra) as well as the stipulations made in the said Office Memorandum, dated 18.09.2024; this Court is of the considered view that the claim made by the petitioner, herein, in the present proceeding, cannot be entertained and accordingly, the instant writ petition stands dismissed. However, there shall be no order as to costs.

Interim order, if any, stands vacated.

JUDGE

Comparing Assistant