

GAHC010177062015



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

Case No. : WP(C)/3783/2015

MD. AKRAM HUSSAIN
S/OLT. SAHAR ALI R/O VILL- MADAIKATA P.O. DHAPERGAON DIST.
KAMRUP R, ASSAM.

VERSUS

THE STATE OF ASSAM AND 2 ORS
REP. BY THE SECRETARY TO THE GOVT. OF ASSAM, IRRIGATION DEPTT.
DISPUR, GUWAHATI-6.

2:THE CHIEF ENGINEER

IRRIGATION DEPTT. CHANDMARI
GUWAHATI-3
ASSAM.

3:THE EXECUTIVE ENGINEER

IRRIGATION DEPTT. GUWAHATI WEST DIVISION
GUWAHATI-8

Advocate for the Petitioner : MR.A BHATTACHARJEE, MR.B HUSSAIN,MR.P B MAZUMDER

Advocate for the Respondent : , DR.B AHMED,SC, IRRIGATION

BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 01.08.2024

None appears for the petitioner on call.

Mr. N. Upadhyay, learned standing counsel, Irrigation Department is present.

The petitioner by way of filing the present petition has raised a grievance with regard to non-consideration of his case for adjustment against a regular vacant post although he contends that he initially engaged as a muster roll worker on compassionate ground.

The father of the petitioner herein late Sahar Ali died-in-harness on 20.08.1997. Thereafter, the petitioner had submitted an application for his engagement in the said department. The said prayer of the petitioner was accepted and the petitioner was engaged as muster roll worker.

The issue that would arise in the present proceeding is as to whether the petitioner would be entitled to be extended with the benefit under the compassionate appointment scheme as formulated by the Govt. of Assam for its employees.

A perusal of the materials available on record would reveal that the father of the petitioner was serving under the respondent No.3 as a muster roll worker.

Accordingly, the father of the petitioner was not holding a regular sanctioned post in the department, therefore, the benefit of compassionate appointment scheme cannot be extended to the petitioner herein, inasmuch as, the father of the petitioner cannot deem to be a government servant at the time he had so left the world.

In view of the above, the petitioner may not be entitled to a direction for consideration of his case for appointment against the regular vacant post on the ground he was appointed on compassionate ground. However, there being no representation on behalf of the petitioner herein, this Court refrains from dismissing the present writ petition on merit and the writ petition stands dismissed for non-prosecution.

JUDGE

Comparing Assistant