

GAHC010252832023



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

Case No. : Review.Pet./7/2024

ISMOTH TUFA LASKAR
D/O LATE AZIR UDDIN LASKAR (DIED IN HARNESS ON 19.11.2013 AS
KHALASI, GRADE -IV AT SILCHAR PHE DIVISION , CACHAR), R/O VILL-
SAIDPUR PART-I P.O SONABARIGHAT, DIST- CACHAR, ASSAM.

VERSUS

THE STATE OF ASSAM AND 5 ORS.
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, PUBLIC HEALTH ENGINEERING DEPARTMENT, DISPUR,
GUWAHATI- 788006.

2:THE STATE LEVEL COMMITTEE
(FOR COMPASSIONATE APPOINTMENT) TO BE REPRESENTED BY THE
CHIEF SECRETARY TO THE GOVT. OF ASSAM
DISPUR
GUWAHATI- 788006.

3:THE DEPUTY COMMISSIONER CUM CHAIRMAN OF DISTRICT LEVEL
COMMITTEE (DLC)
CACHAR
P.O SILCHAR
DIST- CACHAR
PIN - 788001.

4:THE CHIEF EXECUTIVE ENGINEER

PHE (P)
ASSAM HENGRABARI
GUWAHATI
DIST. KAMRUP(METRO)
ASSAM PIN- 781036.

5:THE ADDITIONAL CHIEF ENGINEER
PHE BARAK VALLEY ZONE
SILCHAR
DIST- CACHAR
ASSAM PIN - 788001

6:THE EXECUTIVE ENGINEER
(PHE) SILCHAR DIVISION NO.1
SILCHAR
DIST- CACHAR
ASSAM PIN - 788001

For the petitioner : Mr. B. Purkayastha, Advocate
For the respondents : Mr. N. Das,
Govt. Advocate, Assam
Mr. D. Gogoi, S.C., PHE

– B E F O R E –

HON'BLE THE CHIEF JUSTICE MR. VIJAY BISHNOI
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

25-04-2024

(Vijay Bishnoi, C.J.)

1. This review petition is filed by the petitioner seeking review of the judgment and order dated 18.09.2023 passed by this Court in WA 333/2023 whereby the writ appeal filed by the appellant (review petitioner herein) has been dismissed.

2. The appellant approached this Court by way of filing writ petition, being, WP(C) 2575/2023 with the prayer to issue direction to the respondents to provide compassionate appointment to him on account of death of her father in the year 2013 while he was serving as government servant. The learned Single Judge dismissed the writ petition on the ground that the review petitioner

approached this Court after a delay of around six years. The Division Bench of this Court vide judgment and order dated 18.09.2023 affirmed the order passed by the learned Single Judge while relying on the decisions of the Hon'ble Supreme Court in the case of ***Umesh Kumar Nagpal vs. State of Haryana***, reported in ***(1994) 4 SCC 138***.

3. Learned counsel appearing for the review petitioner has submitted that the Single Bench of this Court vide order dated 04.08.2023 disposed of WP(C) 495/2023 while giving a direction to the State respondents to consider the petitioner's application for compassionate appointment afresh in terms of Clause 15 of the Office Memorandum dated 01.06.2015. It is argued that in case of the review petitioner also, similar direction ought to have been issued.

4. Having gone through the judgment passed by the learned Single Judge as well as the Division Bench of this Court, we find that no such argument was raised by the review petitioner at the time of hearing of the writ petition as well as the writ appeal.

5. Moreover, the Court has non-suited the review petitioner/writ appellant on the ground of delay in approaching the Court. Hence, we do not find any case for review of the judgment and order dated 18.09.2023 passed by this Court in WA 333/2023.

The review petition is, accordingly, dismissed.

JUDGE

CHIEF JUSTICE

Comparing Assistant