

GAHC010285602023



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

Case No. : WP(C)/33/2024

MASUM AHMED LASKAR
S/O- LATE FERDOUS AHMED LASKAR,
R/O- VILL. WEST NARAINPUR PART-I,
PO- CHANDPUR WEST,
PS- AND DIST.- HAILAKANDI, ASSAM,
PIN- 788152.

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM,
DEPARTMENT OF HEALTH AND FAMILY WELFARE (A),
DISPUR, GUWAHATI- 781006.

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

DISPUR
GUWAHATI- 781006.

3:THE DIRECTOR OF HEALTH SERVICES
ASSAM
HENGRABARI
GUWAHATI
PIN -781036.

4:THE DEPUTY COMMISSIONER CUM CHAIRMAN OF DISTRICT LEVEL
COMMITTEE (DLC)
CACHAR
P.O.- SILCHAR

DIST.- CACHAR

ASSAM
PIN- 788001.

5:THE DIVISIONAL ENGINEER
REGIONAL WORKSHOP
STATE HEALTH TRANSPORT ORGANISATION
GHUNGOOR
SILCHAR

DIST.- CACHAR
ASSAM.

6:THE JOINT DIRECTOR OF HEALTH SERVICES (T)
STHO
ASSAM
NARENGI
GUWAHATI-21

Advocate for the Petitioner : MR. A K DUTTA

Advocate for the Respondent : SC, HEALTH

**BEFORE
HONOURABLE MR. JUSTICE K. SEMA**

ORDER

Date : 13-03-2024

Heard Mr. B. Purkayastha, learned counsel for the petitioner, Mr. D. Borah, learned counsel for the respondent No. 2 & 4 and Ms. S. Sarma, learned Standing counsel, Health department for the respondent No. 1, 3, 5 & 6.

The present writ petition is disposed at the admission stage, as consented to, by the learned counsel for the parties.

The case of the petitioner in brief that his father late Ferdous Ahmed Laskar died in harness while serving as Master Mechanics under the respondent No.5. The petitioner being the son of the deceased government employee applied for compassionate appointment after obtaining the NOC from the family members of the deceased.

It is the case of the petitioner that he is a diploma holder in Civil Engineering from State Council of Technical Education, Assam. The application submitted by the petitioner for compassionate appointment was forwarded by the respondent No.5 to the Joint Director, Health Services, (T), SHTO, Assam, Narengi, Guwahati by the letter dated 12/03/2012. Thereafter, the DLC in its meeting held on 02/02/2022 recommended the name of the petitioner for appointment on compassionate ground against the vacant Grade-III post reserved for compassionate appointment. The said resolution recommending the name of the petitioner for compassionate appointment was forwarded to the Government by the Director of Health Service, Assam vide letter dated 21/03/2022. However, the case of the petitioner for reason unknown has not been placed before the SLC. The petitioner, therefore, being aggrieved by the inaction of the State respondents for not placing the case of the petitioner before the SLC has filed the present writ petition.

The learned counsel for the parties are in unanimity that the writ petition can be disposed of with a direction to the State respondents to place the case of the petitioner before the next SLC for consideration of the compassionate appointment of the petitioner.

In view of the submissions made by the learned counsel for the parties, the present writ petition is disposed with a direction to the State respondents to place the case of the petitioner before the next SLC and to consider the case of the petitioner for compassionate appointment in accordance with law, if not already considered. Any rejection to consider the case of the petitioner shall be made by a speaking order.

Writ petition stands disposed.

JUDGE

Comparing Assistant