GAHC010180452020

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

Case No. : WP(C)/5417/2020

SHAMIM SULTANA SUMON
D/O LATE SABBIR AHMED, HOUSE NO. 37, KABARSTHAN PATH,
NAYAPARA, BAGARBARI, PO PANJABARI, PS DISPUR , DIST KAMRUPM
ASSAM, 781037

VERSUS

THE STATE OF ASSAM AND 4 ORS.
REPRESENTED BY THE CHIEF SECRETARY, ASSAM, CUM CHAIRMAN,
STATE LEVEL COMMITTEE FOR COMPASSIONATE APPOINTMENT, ASSAM,
DISPUR GUWAHATI 6

2:THE COMMISSIONER AND SECRETARY
TO THE GOVT OF ASSAM WELFARE OF MINORITIES AND DEVELOPMENT
DEPARTMENT
DISPUR GUWAHATI 6

3:THE UNDER SECRETARY
TO THE GOVT OF ASSAM WELFARE OF MINORITIES AND DEVELOPMENT
DEPARTMENT
DISPUR GUWAHATI 6

4:THE DIRECTOR
CHAR AREAS DEVELOPMENT ASSAM
HENGRABARI ROAD
DISPUR GUWAHATI 6

5:THE DEPUTY COMMISSIONER CUM CHAIRMAN

DISTRICT LEVEL COMMITTEE KAMRUP M GUWAHATI

Advocate for the Petitioner : MR. A M S MAZUMDER

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MANOJIT BHUYAN

ORDER

17.12.2020

Heard Mr. A.M.S. Mazumder, learned counsel for the petitioner as well as Mr. S.S. Roy, learned counsel representing all the respondents.

As agreed to by the counsels for the parties, this writ petition is taken up for final disposal at the Motion stage itself.

Prayer made in the writ petition is for a direction to the respondents concerned to place the case of the petitioner before the State Level Committee. Facts briefly are that consequent upon the demise of the petitioner's father in-harness on 02.02.2015, application was made on 24.02.2015 seeking appointment on compassionate ground. At the relevant time the father of the petitioner was working as a Upper Division Assistant in the Office of the Directorate of Char Areas Development Assam, Guwahati. Referring to the Minutes of the District Level Committee, Kamrup (M) dated 10.08.2018, it is stated that the petitioner as the lone candidate was recommended for appointment against a Grade-IV post. Grievance raised is that despite the recommendation, the case of the petitioner has not yet been placed before the State Level Committee, as required under the Office Memorandum dated 01.06.2015. To add salt to the injury, a letter dated 21.08.2020 came to be issued under the hand of the Under Secretary to the Government of Assam, Welfare of Minorities and Development Department addressed to the Director, Char Areas Development Assam to the effect that the proposal in respect of the petitioner cannot be considered since appointment on compassionate ground has already been made against a Grade-IV post in the Directorate of Char Areas Development Assam, by appointing one Smti. Mintu Baishya in the post of Chowkidar on 01.08.2011.

It is seen that in terms of the Office Memorandum, a claim for compassionate

appointment which finds recommendation of the concerned District Level Committee, is required to be placed before the State Level Committee. Without any dispute, in the instant case, the petitioner's case was never placed before the State Level Committee. Also, the letter dated 21.08.2020 specifying that the case of the petitioner cannot be considered as the Grade-IV post in the Directorate had already been filled up on 01.08.2011, may not be a correct proposition in view of the specific provision under clause 15 of the Office Memorandum dated 01.06.2015.

Having regard to the above, this writ petition stands disposed of with direction to the Commissioner & Secretary to the Government of Assam, Welfare of Minorities and Development Department to place the case of the petitioner before the State Level Committee in the very next meeting. It is made clear that while doing, a proposal also be made having regard to the provisions of clause 15 of the Office Memorandum dated 01.06.2015.

With the above directions, the writ petition stands disposed of.

JUDGE

Comparing Assistant