GAHC010017892023

2026:GAU-AS:970

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

Case No. : WP(C)/501/2023

BACCHU DAS
S/O- LATE NAKUL CHANDRA DAS ,
VILL- BISWAMBERPUR,
P.O- JALALPUR,
KUSHIARKUL GAON PANCHAYAT, DIST- CACHAR, ASSAM, PIN-788816

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, PUBLIC WORKS DEPARTMENT ,ASSAM (CIVIL)
SECRETARIAT, DISPUR, GUWAHATI-06, ASSAM

2:THE CHIEF SECRETARY TO THE GOVT. OF ASSAM
CUM CHAIRMAN STATE LEVEL COMMITTEE FOR COMPASSIONATE
APPOINTMENT
ASSAM (CIVIL) SECRETARIAT
DISPUR
GUWAHATI-06
ASSAM

3:THE CHIEF ENGINEER

PWD (RURAL ROADS DIVISION) ASSAM
CHANDMARI
GUWAHATI- 3
KAMRUP (M).

4:THE DEPUTY COMMISSIONER
CUM CHAIRMAN OF DISTRICT LEVEL COMMITTEE (DLC)
CACHAR

ASSAM
PIN-788001

5:THE EXECUTIVE ENGINEER
PWD
SILCHAR RURAL ROAD DIVISION
SILCHAR
DIST.-CACHAR
ASSAM
PIN-78800

BEFORE

HONOURABLE MR. JUSTICE DEVASHIS BARUAH

For the petitioner (s) : Mr. B. Purkayastha, Advocate

For the respondent (s) : Ms. M. Bhattacharjee,
Govt. Advocate

Date on which judgment is reserved : NA

Date of pronouncement of judgment : 28.01.2026

Whether the pronouncement is of the
Operative part of the judgment? : NA

Whether the full judgment has been
Pronounced? : Yes

JUDGMENT AND ORDER (ORAL)

Heard Mr. B. Purkayastha, the learned counsel appearing on behalf of the petitioner. Ms. M. Bhattacharjee, the learned counsel appears on behalf of the respondent Nos.1 to 5.

2. The petitioner herein is aggrieved by the impugned Minutes

dated 16.08.2022 passed by the State Level Committee whereby the claim of the petitioner had been rejected.

3. This Court has duly perused Minutes of the State Level Committee Meeting for appointment on compassionate basis held on 16.08.2022 which is impugned in the instant proceedings and the reason why the petitioner's application was rejected was that the petitioner's father had less than three years balance service at the time his death which is in terms with paragraph No.1 of the Office Memorandum dated 01.06.2015.

4. The learned counsel appearing on behalf of the petitioner submitted that this Court vide the judgment and order dated 30.01.2023 passed in WP(C) No.1646/2021 struck down the Clause 1 of the Office Memorandum dated 01.06.2015. The learned counsel further submitted that the said judgment was challenged before the learned Division Bench of this Court by the State of Assam. The learned Division Bench of this Court vide the judgment and order dated 12.12.2025 in WA No.287/2023 had affirmed the judgment passed by this Court and further passed certain directions thereby directing the Respondent Authorities to reconsider the case of the respondents therein with an observation that such private respondents must not entertain any false hope that the concerned authorities shall consider the passage of time aspect seriously while assessing the suitability of

the private respondents for compassionate appointment.

5. This Court has duly taken note of the materials on record and from the materials on record it is seen that the petitioner's father expired on 22.10.2008 leaving behind the petitioner and his mother.

6. The law is well settled as regards the compassionate appointment. It is no longer *res integra* that compassionate appointment is not a source of recruitment. The appointment on compassionate basis is made on the basis of a policy of the State to provide immediate succour to the bereaved family upon the death of the sole bread earner of the family. Therefore, appointment on compassionate basis being an exception to Article 16 of the Constitution, it has to be strictly in terms with the mandate of the policy of the Government. It is also well settled that such policy of the Government to grant appointment on compassionate basis does not confer any right. In this regard, this Court finds it pertinent to take note of the judgment of the Supreme Court in the case of ***State of West Bengal vs. Debabrata Tiwari***, reported in ***(2025) 5 SCC 712*** wherein the various parameters have been duly laid down. Paragraph Nos.32 and 33 of the said judgment being relevant are reproduced hereinunder:

> "*32. On consideration of the aforesaid decisions of this Court, the following principles emerge: 32.1. That a provision for*

compassionate appointment makes a departure from the general provisions providing for appointment to a post by following a particular procedure of recruitment. Since such a provision enables appointment being made without following the said procedure, it is in the nature of an exception to the general provisions and must be resorted to only in order to achieve the stated objectives i.e. to enable the family of the deceased to get over the sudden financial crisis.

32.2. Appointment on compassionate grounds is not a source of recruitment. The reason for making such a benevolent scheme by the State or the public sector undertaking is to see that the dependants of the deceased are not deprived of the means of livelihood. It only enables the family of the deceased to get over the sudden financial crisis.

32.3. Compassionate appointment is not a vested right which can be exercised at any time in future. Compassionate employment cannot be claimed or offered after a lapse of time and after the crisis is over.

32.4. That compassionate appointment should be provided immediately to redeem the family in distress. It is improper to keep such a case pending for years.

32.5. In determining as to whether the family is in financial crisis, all relevant aspects must be borne in mind including the income of the family, its liabilities, the terminal benefits if any, received by the family, the age, dependency and marital status of its members,

together with the income from any other source.

33. The object underlying a provision for grant of compassionate employment is to enable the family of the deceased employee to tide over the sudden crisis due to the death of the bread earner which has left the family in penury and without any means of livelihood. Out of pure humanitarian consideration and having regard to the fact that unless some source of livelihood is provided, the family would not be in a position to make both ends meet, a provision is made for giving gainful appointment to one of the dependants of the deceased who may be eligible for such appointment. Having regard to such an object, it would be of no avail to grant compassionate appointment to the dependants of the deceased employee, after the crisis which arose on account of death of a breadwinner, has been overcome. Thus, there is also a compelling need to act with a sense of immediacy in matters concerning compassionate appointment because on failure to do so, the object of the scheme of compassionate appointment would be frustrated. Where a long lapse of time has occurred since the date of death of the deceased employee, the sense of immediacy for seeking compassionate appointment would cease to exist and thus lose its significance and this would be a relevant circumstance which must weigh with the authorities in determining as to whether a case for the grant of compassionate appointment has been made out for consideration."

7. In the instant case, the petitioner has been able to sustain his livelihood for the last 18 years. It is the opinion of this Court that

as compassionate appointment is not a matter of right but merely one avenue provided by the State to provide immediate relief, this is not a fit case wherein directions can be issued for consideration of the case of the petitioner afresh though the ground on which the application of the petitioner was rejected was not in conformity with law.

8. Accordingly, this Court does not find any merit in the instant writ petition, for which, the writ petition stands dismissed.

JUDGE

Comparing Assistant