

GAHC010071992026



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

Case No. : WP(C)/2040/2026

RAMASANKAR MALA
S/O- LATE MATILAL MALA, R/O- VILLAGE RATANPUR MIRI KULU GAON,
P.O- RATANPURMIRI, PIN-785105, DIST- MAJULI, ASSAM

VERSUS

THE STATE OF ASSAM AND OTHERS
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,
SECONDARY EDUCATION DEPARTMENT, GUWAHATI-06, ASSAM

2:THE COMMISSIONER AND SECRETARY
TO THE GOVT. OF ASSAM
PERSONNEL (B) DEPARTMENT
GUWAHATI-06
ASSAM

3:THE ADDITIONAL SECRETARY
TO THE GOVT. OF ASSAM
PERSONNEL (B) DEPARTMENT
GUWAHATI-06
ASSAM

4:THE DISTRICT LEVEL COMMITTEE MAJULI
REP. BY THE DISTRICT COMMISSIONER

P.O AND DIST- MAJULI
ASSAM
PIN-785104

5:THE INSPECTOR OF SCHOOLS (CDC)
P.O AND DIST- MAJULI
PIN-78510

Advocate for the Petitioner : N O POMONG, MS S A KHALIFA,MR. W A SHEIKH,MS F INTAZ,MR. M A SHEIKH

Advocate for the Respondent : GA, ASSAM, SC, SEC. EDU.

BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 22.04.2026

Heard Mr. M A Sheikh, Learned Counsel for the Petitioner. Also heard Mr. U Sharma, Learned Standing Counsel, Department of Secondary Education, Assam, appearing for respondent Nos. 1 & 5 and Ms. K Phukan, Learned Government Advocate appearing for respondent Nos. 2, 3 & 4.

The Petitioner, in the present Writ Petition, has prayed for a direction upon the respondent authorities to consider his case for appointment on compassionate grounds, in pursuance to the death of his father, in harness.

The father of the petitioner Sri Matilal Mala, while working as a Subject Teacher of Hindi post in Ratanpur Miri Town High School (a provincialized School), had died in harness on 17.03.2022. The petitioner, thereafter, submitted an application on 19.09.2025, praying for consideration of his case for appointment on compassionate grounds. The said application, not being considered, the petitioner has approached this Court, by way of instituting the present Writ Petition.

I have heard the learned counsel for the parties and perused the materials available on record.

The father of the petitioner, as noticed hereinabove, had died in harness on 17.03.2022. On the date, the father of the petitioner had died in harness, the Scheme for appointment on compassionate grounds, as notified vide the OM dated 01.06.2015, was no longer in currency. The respondent authorities vide notification dated 14.09.2017, had notified the Scheme for

"Compassionate Family Pension, in lieu of Compassionate Appointment". The said "Scheme" was to be applicable w.e.f 01.04.2017. The said notification dated 14.09.2017, in the provisions of Clause 5.11, thereof, mandate that the compassionate appointment scheme would continue to be applicable, in respect of those employees who died in harness before 01.04.2017 and after 01.04.2017, the compassionate family pension Scheme would be applicable. The father of the Petitioner, admittedly, having died in harness on 17.03.2022, the case of the petitioner would not be permissible to be so considered under the erstwhile Scheme for appointment on compassionate grounds, and the family of the petitioner would now be entitled, if so eligible, to the benefits of the compassionate family pension scheme, in terms of the provisions of the notification dated 14.09.2017.

Accordingly, the claim of the petitioner, for consideration of his case for appointment on compassionate grounds, stands rejected.

The family of the petitioner, however, would be at liberty to approach the respondent authorities for consideration of their case for being authorized Compassionate Family Pension (CPF), in terms of the provisions of the notification dated 14.09.2017.

With the above observations and directions, the present Writ Petition stands disposed of.

JUDGE

Comparing Assistant