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

Case No. : WA/283/2025

SRI KAKUMONI BHUYAN
SON OF LATE NAREN BHUYAN, RESIDENT OF VILLAGE-DEKASUNDAR,
P.O.-JAMUGURIHAT, DISTRICT-SONITPUR, ASSAM, PIN-784180

VERSUS

THE STATE OF ASSAM AND ORS.
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF
ASSAM, PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT, DISPUR,
GUWAHATI-781006.

2:THE STATE LEVEL COMMITTEE (SLC) FOR COMPASSIONATE
APPOINTMENT

REPRESENTED BY ITS CHAIRMAN
THE CHIEF SECY. TO THE GOVT. OF ASSAM
DISPUR
GUWAHATI 781006

3:THE COMMISSIONER

PANCHAYAT AND RURAL DEVELOPMENT
ASSAM
JURIPAR
PANJABARI
GUWAHATI 781037

4:THE DIST. LEVEL COMMITTEE (DLC) FOR COMPASSIONATE
APPOINTMENT

SONITPUR
REPRESENTED BY ITS CHAIRMAN

DIST. COMMISSIONER
SONITPUR
DIST. SONITPUR
ASSAM
PIN 784001

5:THE BLOCK DEVELOPMENT OFFICER

NADUAR DEVELOPMENT BLOCK
JAMUGURIHATI
DIST. SONITPUR
ASSAM
PIN 78400

For the appellant/petitioner(s) : Mr. N. Sarma, Advocate

For the Respondent(s) : Mr. K. Konwar, Addl. AG, Assam

- B E F O R E -

HON'BLE THE CHIEF JUSTICE MR. ASHUTOSH KUMAR
HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY

04.02.2026

(Ashutosh Kumar, CJ)

We have heard Mr. N. Sarma, learned counsel for the appellant and Mr. K. Konwar, learned Additional Advocate General, Assam, for the respondents/State.

The challenge in this appeal is to the judgment dated 23.01.2025, passed by a learned Single Judge of this Court in WP(C) No. 3501/2023, whereby the writ petition filed by the appellant against the rejection of his candidature by the State Level Scrutiny Committee (SLSC) for being appointed on compassionate ground has been dismissed on the ground of the issue being a stale one.

The SCLC had rejected the claim of the appellant on the ground of

inordinate delay in disposal of the petition filed by the appellant for being appointed on compassionate ground.

The father of the appellant, who was a Gram Sevak under the Naduar Development Block in the district of Sonitpur, passed away on September 2, 2013 in harness. Shortly thereafter, the appellant, who held the qualification of B.Sc. and diploma in Computer Application, applied for compassionate appointment. The application was initially forwarded by the concerned Block Development Officer, but to a wrong authority, namely, Commissioner of Panchayat & Rural Development, Assam, instead of the District Level Scrutiny Committee (DLSC), Sonitpur, which actually was empowered to consider such application.

Thereafter, it appears that the appellant did not pursue the matter for a long time and approached the High Court vide WP(C) 7312/2018 only after five years.

The writ petition preferred by the appellant was disposed off, directing the authorities to forward his application to the relevant authority, namely, District Level Scrutiny Committee (DLSC), Sonitpur, within two months with a direction to the DLSC to consider his case after condoning the delay that might have occasioned due to the initial forwarding of the appellant's application to the wrong authority.

The DLSC, way back in the year 2019, on the basis of the afore-noted direction of this Court, recommended the appellant for appointment of on a Grade-III post, noting that he was the only candidate from the Panchayat & Rural Development Department. Thereafter, the afore-noted recommendation was considered by the SLSC but the SLSC did not agree with the recommendation of the DLSC on the ground that the

application could have been considered by the DLSC only within five years of the death of the employee and not beyond.

Finding that the SLSC misdirected itself in not looking into the background facts of the case, the appellant preferred a writ petition before this Court, which was rejected vide the impugned judgment.

The learned Single Judge, after noting the principles of compassionate appointment and taking reference of the judgment of the Supreme Court in the case of State of **W.B. vs. Debabrata Tiwari & Ors., (2023) SCC Online SC 219**, found that this delay of about twelve years had completely diluted the immediacy of the case of the appellant and, therefore, did not choose to interfere with the order passed by the SLSC.

Mr. Sarma, learned Advocate for the appellant has submitted that the factual context, in which the judgment in **Debabrata Tiwari & Ors.** (supra) was delivered, was not correctly appreciated by the learned Single Judge. In that case, the West Bengal government did not have any scheme for compassionate appointment, whereas in the State of Assam, an Office Memorandum issued by the Government of Assam with respect to compassionate appointment was in operation and under the terms of the same Office Memorandum, the DLSC had recommended the appellant in the year 2019.

He has also submitted that the judgment in **Debabrata Tiwari & Ors.** (supra) was delivered after the recommendation of the appellant by the DLSC.

That apart, Mr. Sarma has further argued that the SLSC arbitrarily rejected the recommendation of the DLSC ignoring the directions of this Court for condonation of the delay caused due to administrative errors.

He has further contended that in fact the affidavit filed on behalf of the respondents/State before the writ court also did not contain any animadversion against the candidature of the appellant and most of his contentions went uncontroverted and, therefore, it was absolutely incorrect for the learned Single Judge to have held the claim of the appellant to be stale, as this was a continuous process, initiated timely by him and the delay was caused solely due to the fault of the authorities concerned.

Mr. Sarma has thereafter again submitted that no doubt the appellant has been able to survive for all these years, but that does not mitigate his sufferings which are continuing and it cannot be said that the appellant's survival reflects that he has been able to eke out a living for himself.

The arguments advanced on behalf of the appellant may stir the emotions of the Court, but then the law accepts the hard reality that such compassionate appointment cannot be directed for after a long passage of time.

It will only be a repetition law with respect to compassionate appointment, but then what has consistently been held by the courts of law is that appointment on compassionate ground can never be treated be a source of recruitment. It is only for providing succour to the dependants of the deceased employee for avoiding destitution and to get over the sudden financial crisis. It is not a vested right to be exercised at any time in future and even in a case where, for reasons of prolonged delay, either on behalf of the applicant claiming compassionate appointment or the authorities deciding such claim, the immediacy is

diluted and lost.

In the present case, as argued by Mr. Sarma, the suffering has not abated, but then this Court is reminded of the observation of the Supreme Court in the case of ***Haryana State Electricity Board & Another vs. Hakim Singh, 1997 (8) SCC 85***, where such a direction for consideration for compassionate appointment was held to be tantamounting to suggesting that compassionate appointments are matters of inheritance based on the line of succession, which is contrary to the Constitution.

The same appears to be the thought-process of the learned Single Judge while refusing to interfere with the decision of the SLSC in not considering the candidature of the appellant for compassionate appointment.

Twelve years have passed by, and such delay prevents us from taking any other view than what the learned Single Judge has taken with respect to the case of the appellant.

Finding no merits in this appeal, we dismiss the same.

JUDGE

CHIEF JUSTICE

Comparing Assistant