GAHC010211842025

2026:GAU-AS:16441

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

Case No. : WP(C)/5728/2025

BEDADYUTI CHAKRAVORTY @ BEDADRUTI
SON OF LATE DEBAJYOTI CHAKRABORTY, R/O VILLAGE- DAKHINGAON, KAHILIPARA, P.S.- DISPUR, P.O.- KAHILIPARA, GUWAHATI, DIST- KAMRUP (METRO), ASSAM, PIN-781019

VERSUS

THE STATE OF ASSAM AND 4 ORS.
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT OF ASSAM, PERSONNEL DEPARTMENT, DISPUR, GUWAHATI-781006

2:THE STATE LEVEL COMMITTEE (SLC) FOR APPOINTMENT ON COMPASSIONATE GROUND
REPRESENTED BY ITS CHAIRMAN -CUM- CHIEF SECRETARY
GOVERNMENT OF ASSAM
DISPUR
GUWAHATI- 781006

3:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
HANDLOOM
TEXTILES AND SERICULTURE DEPARTMENT
DISPUR
GUWAHATI-781006

4:THE DIRECTOR OF HANDLOOM
TEXTILES AND SERICULTURE
ASSAM
AMBARI
GUWAHATI-781001

5:THE DISTRICT COMMISSIONER
KAMRUP (M)

-CUM- CHAIRMAN
DISTRICT LEVEL COMMITTEE (DLC)
KAMRUP (M)
ASSAM
PIN-78103

B E F O R E

HON'BLE MR. JUSTICE SANJAY KUMAR MEDHI

Advocate for the petitioner : Shri N. Sarma, Advocate.
Advocate for the respondents : Shri R. Dhar, GA.

Date of hearing : **10.11.2026**
Date of Judgment : **10.11.2026**

JUDGMENT & ORDER

Heard Shri N. Sarma, learned counsel for the petitioner. Also heard Shri R. Dhar, learned Govt. Advocate, Assam.

2. The matter pertains to a claim for appointment on compassionate ground.

3. The facts projected in the petition is that the father of the petitioner, namely, Debajyoti Chakraborty who was working as a Senior Inspecting Accountant under the establishment of the Directorate of Handloom Textiles & Sericulture, Assam had died-in-harness on 23.07.2013. The petitioner being eligible had applied for compassionate ground and it is the claim of the petitioner that the District Level Committee (DLC), in its meeting held on 25.10.2016 had recommended the case of the petitioner against a Gr-III post. However, the State Level Committee (SLC) in its meeting dated 11.08.2017 had rejected the case of the petitioner due to want of vacancies. The petitioner had approached this Court vide WP(C)/4197/2019 wherein, this Court, vide order dated 25.06.2019 had directed to place the case of the petitioner before the SLC

for reconsideration. The matter was deferred to the year 2023 but no decision could be taken as a writ appeal on the subject was pending.

4. Shri Sarma, the learned counsel for the petitioner has submitted that the writ appeal instituted by the State has, in the meantime been disposed of by rejecting the same. It is submitted that after such dismissal, there has been directions passed in some cases for consideration. He accordingly submits that a fresh direction be issued for considering and appointing the petitioner on compassionate ground.

5. *Per contra*, Shri Dhar, the learned Govt. Advocate has submitted that whatever may be the case, since the death of the father of the petitioner, about 13 years have expired and any direction towards consideration of the case of the petitioner for appointment on compassionate ground would be against the objective of the scheme which is to provide immediate succor and relief to a bereaved family which has lost the government servant who was only the breadwinner.

6. Shri Dhar, the learned Govt. Advocate in support of his submission has relied upon the recent judgment of the Hon'ble Supreme Court in the case of ***State of West Bengal Vs Debabrata Tiwari*** reported in ***(2023) SCC Online SC 219***.

7. The rival contentions have been duly considered. The law relating to compassionate appointment is well settled. Such appointment is an exception to general mode/method of recruitment wherein an exception is carved out to give immediate succour to a bereaved family which has lost the sole breadwinner who was a government servant. The essence of such appointment is of

immediate nature and the said essence would be lost by efflux of time.

8. In the instant case, it is not in dispute that the death of the government employee was in the year 2013 and in the meantime, about 13 years have passed and any direction towards consideration of the claim of the petitioner further would not be in sync with the claim of compassionate appointment. The Hon'ble Supreme Court in the case of ***Debabrata Tiwari*** (supra) has laid down as follows:

> "*7.2. On consideration of the aforesaid decisions of this Court, the following principles emerge:*
>
> *(i) 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.*
>
> *(ii) 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.*
>
> *(iii) 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.*

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

(v) 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."

9. This Court has noticed that on the aspect of delay, the Hon'ble Supreme Court, in the aforesaid case while examining the said aspect from the context of the scheme has also laid down that even if the delay is on account of the authorities, the sense of immediacy is diluted and lost. The relevant part as observed in paragraph 7.5 of the aforesaid judgment is extracted herein below:-

"*7.5. Considering the second question referred to above, in the first instance, regarding whether applications for compassionate appointment could be considered after a delay of several years, we are of the view that, in a case where, for reasons of prolonged delay, either on the part of the applicant in claiming compassionate appointment or the authorities in deciding such claim, the sense of immediacy is diluted and lost. Further, the financial circumstances of the family of the deceased, may have changed, for the better, since the time of the death of the government employee. In such circumstances, Courts or other relevant authorities are to be guided by the fact that for such prolonged period of delay, the family of the deceased was able to sustain themselves, most probably by availing gainful employment from some other source. Granting compassionate appointment in such a*

case, an noted by this Court in Hakim Singh would amount to treating a claim for compassionate appointment as thought it were a matter of inheritance based on a line of succession which is contrary to the Constitution. Since compassionate appointment is not a vested right and the same is relative to the financial condition and hardship faced by the dependents of the deceased government employee as a consequence of his death, a claim for compassionate appointment may not be entertained after lapse of a considerable period of time since the death of the government employee."

10. Though the learned counsel for the petitioner has submitted that in few cases there has been direction to consider, such decisions have to be examined from the facts and circumstances of each case. As discussed above, when a considerable length of time has elapsed in the meantime which in this case is about 13 years, this Court is of the opinion that no relief can be granted to the petitioner by directing compassionate appointment after such a long delay.

11. The writ petition is accordingly dismissed.

JUDGE

Comparing Assistant