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

Case No. : WP(C)/5981/2026

DIGANTA KALITA
SO LATE CHAKRADHAR KALITA, RO VILL SINGRA, PO HENGULI, PS KAMALPUR, DIST KAMRUP, ASSAM, PIN 781380

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVT OF ASSAM, DISPUR, GHY 781006

2:THE SECRETARY
GOVT OF ASSAM
HOME AND POLITICAL DEPARTMENT
DISPUR
GHY 781006

3:THE COMMISSIONER AND SECRETARY
GOVT OF ASSAM
PERSONNEL B DEPARATMENT
DISPUR
GHY 781006

4:THE DIRECTOR GENERAL OF POLICE
ASSAM
ULUBARI
GUWAHATI- PIN-781007

5:THE STATE LEVEL COMMITTEE
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVT. OF ASSAM
DISPUR
GUWAHATI- 781006

6:THE DEPUTY SECRETARY
THE GOVT. OF ASSAM
HOME POLITICAL DEPARTMENT
DISPUR
GUWAHATI
PIN-781006

7:THE DISTRICT LEVEL COMMITTEE
REPRESENTED BY THE DISTRICT COMMISSIONER-CUM-CHAIRMAN DLC
KAMRUP FOR APPOINTMENT ON COMPASSIONATE GROUND
DIST. KAMRUP
ASSA

B E F O R E

HON'BLE MR. JUSTICE SANJAY KUMAR MEDHI

Advocate for the petitioner : Shri A. M. Ahmed, Advocate.
Advocate for the respondents : Shri R. Dhar, GA.

Date of hearing : **06.11.2026**
Date of Judgment : **06.11.2026**

JUDGMENT & ORDER

Heard Shri A. M. Ahmed, learned counsel for the petitioner. Also heard Shri R. Dhar, learned Govt. Advocate, Assam.

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

3. The facts projected in the petition is that the father of the petitioner, was a Government employee who had passed away while in service on 11.09.2011. The petitioner, who claims to be eligible for appointment had accordingly applied for such appointment on compassionate ground and the District Level Committee had recommended the case of the petitioner on 19.11.2022. In the meantime, an Office Memorandum (OM) was issued by the State whereby for death after 2017, the aspect of Compassionate Family Pension was introduced.

The petitioner had approached this Court earlier and there is a direction dated 07.04.2025 passed in WP(C)/6360/2025 whereby irrespective of such notification, the case of the petitioner was directed to be considered.

4. The SLC had accordingly considered the case of the petitioner and rejected the same vide impugned order dated 13.03.2026. It is the legality and validity of the said order which is the subject matter of challenge.

5. Shri Ahmed, the learned counsel for the petitioner has submitted that the delay is not attributable at all to the petitioner and the delay is caused by the respondent authorities. He has also submitted that since the District Level Committee had recommended the case of the petitioner, there is a requirement of a fair consideration in terms of the existing law.

6. *Per contra*, Shri Dhar, the learned Govt. Advocate has resisted the claim by submitting that the death being about 15 years ago, the present claim 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.

7. 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***.

8. 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.

9. In the instant case, it is not in dispute that the death of the government employee was in the year 2011 and in the meantime, more than 15 years have passed. There are no acceptable or cogent reasons explaining the delay. As on today, more than 15 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:*
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> *(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."

10. 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."

11. This Court is of the opinion that no relief can be granted to the petitioner by directing compassionate appointment after such a long delay. The impugned order of the SLC dated 13.03.2026 needs no interference.

12. The writ petition is accordingly dismissed.

JUDGE

Comparing Assistant