

BEFORE

HON'BLE MR. JUSTICE AMITAVA ROY

Heard Mr. S C Biswas, learned counsel for the petitioner and Mr. Gogoi, learned Standing Counsel, Health and Family Welfare Department, Govt. of Assam.

The relentless endeavour on behalf of the petitioner is to secure his appointment on compassionate ground in State service. His father Late Abdul Fater Choudhury, serving as Operation Theatre Attendant in the Silchar Medical College and Hospital, Silchar, died in harness on 19.06.1997, leaving behind the petitioner and other family members. He to help out his family from financial distress applied for compassionate appointment on 30.07.1997, before the Director of Health and Family Welfare Department, Guwahati. As nothing positive was on the anvil, he approached this Court with W.P. (C) No.10553/2003, seeking redress.

The writ petition was disposed of on 17.02.2004, directing the respondents therein to consider the petitioner's request for compassionate appointment in any Grade-IV post in terms of the relevant Government policy and in accordance with law. It was thereafter that by order dated 07.04.2004, the Commissioner and Secretary to the Govt. of Assam, Health and Family Welfare Department observed that his case would be considered on his turn as per existing Rules as and when approval of the State Level Empowerment Committee is received.

According to the petitioner, in view of the delay in implementation of the earlier order of this Court, he initiated Contempt Petition (C) No.80/2005, which was eventually closed on 14.07.2006, holding against the plea of willful disobedience by the respondents therein. Situated thus, the petitioner has in this petition reiterated his request for compassionate appointment pursuing the relief.

Mr. Gogoi, learned Standing Counsel, Health and Family Welfare Department, Govt. of Assam, has submitted that in view of the decision of this Court in Achyut Ranjan Das vs. State of Assam and ors, reported in 2006 4 GLT 674, the petition at best may be closed for consideration of his case afresh in terms thereof.

Upon hearing the learned counsel for the parties and on a consideration of the pleaded facts and the documents annexed to the petition, the instant proceeding is disposed of with a direction to the respondent authorities more particularly respondents No.1, 3 and 5, namely, the Commissioner and Secretary, Govt. of Assam, Department of Health and Family Welfare, Guwahati, the Director, Health and Family Welfare Department, Guwahati and the Principal-cum-Chief Superintendent, Silchar Medical College and Hospital, Silchar, Assam, to cause appropriate steps to be taken for the consideration of the petitioner's case in terms of the guidelines set out in Achyut Ranjan Das (supra). This order should not be construed to be a direction to the respondent authorities to appoint the petitioner on compassionate ground but in view of the factual background as narrated herein above, they would while taking a decision on the issue be mindful thereof.

The petition stands disposed in the above terms. No costs.