

WP(C) 6254/2015

BEFORE

HON'BLE MR. JUSTICE M.R. PATHAK

Heard Mr. M.K. Mazumdar, learned counsel for the petitioner. Also heard Ms. K. P hukan, learned State Counsel as well as Standing Counsel, Education (Elementary) Department appearing for the respondent Nos. 1 to 4 and Mr. G. Goswami, learned Standing Counsel, SSA appearing for the respondent No. 5.

The petitioner's elder brother, was working in the Office of the District Mission Coordinator, Dima-Hasao (erstwhile N.C. Hills) as an Assistant Nazir and he was killed by the extremists/terrorists on 22.09.2007. The petitioner subsequently was engaged as a 'cleaner' in the office of the said Mission Coordinator, Dima-Hasao on daily wages basis on compensatory ground vide letter No. SSA/NC Hills/Gen.Corres/88/ 2002/Pt-I/4709 dated 03.12.2009 and since then he is serving in the said capacity on a daily wage basis.

The petitioner on 01.03.2014 submitted an application before the Mission Director, SSA, Assam, respondent No. 5 to regularize his service as Grade - IV which is still pending for disposal.

The learned counsel for the petitioner has brought to the notice of the Court that at the respondent No. 5, Mission Director, SSA, Assam has considered similarly placed person, i.e. one Robin Chandra Roy, who was appointed as Grade - IV employee as his own nearest relative was killed by the extremists and subsequently his service was regularized as the Grade - IV employee with effect from 20.03.2013.

As the petitioner's representation dated 01.03.2014 for regularization of his service is pending since long and nothing was forthcoming, the petitioner preferred this petition.

Mr. G. Goswami, learned Standing Counsel, SSA has submitted that the SSA, Assam is only a registered society, registered under the Societies Registration Act and is serving on the particular scheme and once this scheme comes to an end, the SSA will have no role to play and as such cannot regularize any incumbent under the SSA.

After hearing the learned counsel for the parties, this writ petition is disposed of at the motion stage itself directing the Mission Director, SSA, Assam, respondent No. 5 to dispose of the representation of the petitioner dated 01.03.2014 with a speaking order on or before 01.02.2016 in accordance with law. The respondent No. 5 shall intimate the outcome of the representation to the petitioner.

The petitioner shall submit a certified copy of this order along with a copy of the representation dated 01.03.2014 before the Mission Director, SSA, Assam, respondent No. 5 on or before 10.12.2015.

With the aforesaid observations and directions, this petition stands disposed of.