

BEFORE

HON'BLE MR JUSTICE NELSON SAILO

Heard Mr. S . Alim, the learned counsel for the writ petitioner, Also heard Dr. B. Ahmed, the learned Standing Counsel, Irrigation Department appearing for the respondent Nos. 1, 3 and 4. Mr. M.R. Adhikari, the learned Government Advocate appears for the respondent No. 2.

2. The case of the petitioner is that his father while serving as Grade-IV Helper in the establishment of the Executive Engineer, Goalpara Mechanical Division died in harness on 25.10.2013. Thereafter, the petitioner on 30.12.2013 submitted an application for compassionate appointment. The application was received by the Executive Engineer (respondent No. 4) Goalpara Mechanical Division (Irrigation) and file No. GMD/ESSH.59/2015/2480 dated 07.12.2015 was made against the application. Since, the application of the petitioner remained unattended, the petitioner filed a representation before the Deputy Commissioner of Goalpara on 29.08.2016. However despite the same, the petitioner having not been considered by the DLC, he has approached this Court through the instant writ petition. Mr. S. Alim, the learned counsel for the petitioner submits that the case be disposed with a direction to the District Level Committee to consider the case of the petitioner for compassionate appointment. Dr. B. Ahmed appearing for the Irrigation Department submits that he has received instructions in the matter. As per the instructions that he has produced, the application of the petitioner was returned for certain information sought by the Deputy Commissioner and the Irrigation Department upon receipt of the same re-submitted the original application to the Additional Deputy Commissioner (Personal Branch), Goalpara on 07.12.2015.

3. It is the case of the writ petitioner that his case was not considered by the DLC. To this submission Dr. B. Ahmed submits that the Irrigation Department had duly forwarded the application with its enclosures to the Deputy Commissioner of Goalpara and if his application for compassionate appointment has not been considered, the respondent authority (DLC) may be directed to consider the same. He also submits that if the case of the petitioner has already been considered in the meantime, the ratio laid down in the case of Achyut Ranjan Das shall apply.

4. Considering the submission made by the learned counsel for the parties, I am of the considered view that instead of letting the case to be pending any longer, the same should be disposed for consideration by the District Level Committee, if not already done in the meantime.

5. In that view of the matter, this writ petition is disposed of with a direction to the Deputy Commissioner of Goalpara district to consider the case of the petitioner for compassionate appointment in terms of the application forwarded to him by the Executive Engineer, Goalpara Mechanical Division (Irrigation) in the next DLC. Outcome of the consideration made by the DLC shall be intimated to the writ petitioner.

6. With the above observation and direction, the writ petition stands disposed of. No cost.