GAHC010209702022

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

Case No. : WP(C)/6834/2022

JATINDRA NATH
S/O- LT. MOHENDRA NATH, R/O- VILL- MORNOIKINAR, BAILUNG PATHAR, P.O. ARJUNGURI AND P.S. SIVASAGAR, DIST.- SIVASAGAR, ASSAM, PIN- 785640

VERSUS

THE STATE OF ASSAM AND 5 ORS.
REP. BY THE CHIEF SECY., GOVT. OF ASSAM, DISPUR, GHY-6

2:THE COMM. AND SECY.
GOVT. OF ASSAM
DEPTT. OF HOME
DISPUR
GHY-6

3:STATE LEVEL COMMITTEE (SLC) OF COMPASSIONATE APPOINTMENT
ASSAM
REP. BY THE CHIEF SECY.

4:DISTRICT LEVEL COMMITTEE (SLC) OF COMPASSIONATE APPOINTMENT
SIVASAGAR
REP. BY THE DY. COMMISSIONER

5:THE DY. COMMISSIONER
SIVASAGAR
ASSAM

6:THE SUPERINTENDENT OF POLICE
SIVASAGAR
ASSA

Advocate for the Petitioner : MR R CHAKRAVORTY

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

31.10.2022

Heard Mr. R. Chakraborty, learned counsel for the petitioner, who submits that the petitioner is aggrieved by the rejection of the petitioner's application for compassionate appointment by the State Level Committee (SLC), on the ground of late submission of his application.

2. The petitioner's case in brief is that the petitioner's father died-in-harness on 06.09.2016, while serving as a Constable in the office of the Superintendent of Police, Sivasagar. The petitioner's younger brother, namely Ananta Nath, applied for compassionate appointment on 22.11.2016. The District Level Committee (DLC), in it's meeting minutes dated 16.05.2017, recommended the petitioner's younger brother for compassionate appointment. However, before the SLC could consider the case of the petitioner's younger brother, the petitioner's younger brother expired on 18.09.2017 due to an accident.

3. The petitioner thus applied for compassionate appointment on 06.11.2017, i.e. one and half months after the death of his younger brother. The DLC, in it's meeting minutes dated 08.10.2021, recommended the case of the petitioner for compassionate appointment. However, the SLC, vide the impugned meeting

minutes dated 10.02.2022, rejected the petitioner's application on the ground of late submission of his application for compassionate appointment.

4. The learned counsel for the petitioner submits that the late submission of the petitioner's application for compassionate appointment was due to the facts stated above and was not due to the fault on the part of the petitioner. He accordingly submits that the impugned SLC meeting minutes should be set aside and the SLC should be directed to consider the case of the petitioner on merit.

5. Mr. A. Chakraborty, learned counsel for all the respondents submits that there is no infirmity with the decision of the SLC, as the petitioner had not submitted his application for compassionate appointment within one year from the date of death of his father.

6. On considering the reasons for the delayed submission of petitioner's application, it is discernible that the same has been done due to events that were beyond the control of the petitioner. In that view of the matter, this Court is of the view that the SLC should have empathised with the petitioner and not taken such a rigid view, while considering the case of the petitioner. This Court is accordingly is of the view that the application of the petitioner should be re-considered by the SLC on merit. Accordingly, the SLC meeting minutes dated 10.02.2022, in so far as it relates to the petitioner, who is at Sl. No.119, is hereby set aside. The SLC should re-consider the case of the petitioner in terms of the DLC meeting minutes and on merit, in the next SLC meeting. The decision taken should thereafter be communicated to the petitioner.

7. The writ petition is accordingly allowed.

JUDGE

Comparing Assistant