

GAHC010062762024



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

Case No. : I.A.(Civil)/963/2024

THE STATE OF ASSAM AND 4 ORS.
REP. BY THE CHIEF SECRETARY CUM CHAIRMAN, STATE LEVEL
COMMITTEE FOR COMPASSIONATE APPOINTMENT, DISPUR, GUWAHATI-
6.

2: THE COMMISSIONER AND SECRETARY
TO THE GOVT. OF ASSAM
COOPERATION DEPTT.
DISPUR
GUWAHATI- 6.

3: THE DEPUTY SECRETARY
TO THE GOVT. OF ASSAM
COOPERATION DEPTT.
DISPUR
GUWAHATI- 6.

4: THE REGISTRAR
COOPERATIVE SOCIETIES
ASSAM
KHANAPARA
GUWAHATI.

5: THE DISTRICT DEPUTY REGISTRAR
COOPERATIVE SOCIETIES
BARPETA
DIST.- BARPETA
ASSAM

VERSUS

MAMIDUL HASSAN AND ANR.
S/O LATE ABDUL BAREK,
VILL.- DABALIA PARA, P.S.- HOWLY, PIN- 781316, DIST.- BARPETA, ASSAM.

2:THE DISTRICT LEVEL COMMITTEE FOR COMPASSIONATE
APPOINTMENT
REP. BY THE CHAIRMAN
THE DEPUTY COMMISSIONER
BARPETA
ASSAM
PIN

Advocate for the Petitioner : MR. D NATH

Advocate for the Respondent :

Linked Case : CRP/0/0

State Of Assam And Ors
Dispur
Guwahati 6

2: Chief Secretary Cum Chairman State Level Committee For Compassionate
Appointment
Dispur Guwahati

3: Commissioner And Secretary Govt Of Assam Cooperation Dept
Dispur Guwahati

4: Deputy Secretary Govt Of Assam Cooperation Dept
Dispur Guwahati

5: Registrar Cooperative Societies Assam
Khanapara Guwahati

6: District Deputy Registrar Cooperative Societies Barpeta
Barpeta
VERSUS

Mamidul Hassan
Village Dabaliala Para
P.S Howly
Barpeta

2:District Level Committee For Compassionate Appointment Represented By The
Deputy Commissioner Baredb

Barpeta

Advocate for : DIPANKAR NATH

Advocate for : appearing for Mamidul Hassan

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

05-04-2024

(M.R.Pathak, J)

Heard Ms. U Sharma, learned Government Advocate, Assam for the applicant.

2. This application has been filed by the State to condone the delay of 190 days in preferring the connected appeal against the order dated 16.06.2023 passed by the learned Single Judge in WP(C) No. 1211/2023 (Mamidul Hassan -Vs- State of Assam & 5 Ors.) whereby the Court considering a common judgment and order dated 30.01.2023 passed in WP(C) No. 1646/2021 and other connected cases allowed the said writ petition setting aside the minutes of the State Level Committee for Compassionate Appointment dated 22.01.2022 whereby the case of the said writ petitioner was rejected for his compassionate appointment as the father of the said petitioner who died in harness had less than three years of service pursuant to Clause-1 of the Office Memorandum No. ABP 50/2006/Pt/182 dated 01.06.2015 of the State Government in the Personnel (B) Department relating to appointment on compassionate ground of the dependents of the Government employee who dies in harness, retires prematurely on being declared permanently incapacitated for service and who is missing and whose whereabouts is not known for the last 7 years.

3. By the said order dated 16.06.2023 following the common judgment and order dated 30.01.2023 passed in WP(C) No. 1646/2021 and other connected cases, the learned Single Judge remanded the matter back to the State Level Committee for Compassionate Appointment to take a fresh decision de-hors Clause-1 of the said Office Memorandum dated 01.06.2015, noted above.

4. While disposing of said WP(C) No. 1211/2023 by order dated 16.06.2023, the Court also observed that appeal against the said common judgment and order dated 30.01.2023 was pending, but there was no interim stay granted by the Division Bench.

- 5.** It has been placed before the Court by Ms. U Sharma, learned Government Advocate, Assam that Division Bench of this Court by an order dated 11.01.2024 passed in I.A.(Civil) No. 3787/2023 stayed the said judgment and order dated 30.01.2023 passed in WP(C) No. 3245/2021 and other connected cases, which was also part of WP(C) No. 1646/2021, noted above.
- 6.** The applicant State could show sufficient reason to our satisfaction for condoning the delay of 190 days in preferring the connected appeal against the order dated 16.06.2023 passed in WP(C) No. 1211/2023 following the common judgment and order dated 30.01.2023 passed in WP(C) No. 1646/2021 and other connected cases.
- 7.** This Interlocutory Application stands allowed, condoning the delay of 190 days.
- 8.** Registry shall accordingly register and number the connected writ appeal and shall place it before the appropriate bench.

JUDGE

JUDGE

Comparing Assistant