

GAHC010031722023



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

Case No. : WP(C)/1282/2023

RUPTON DAIMARI
S/O- LATE JUNASH DAIMARI, R/O- VILL.- GERSONG, P.O. BANDARGURI,
P.S. AND DIST. UDALGURI (BTR), ASSAM, PIN- 784509.

VERSUS

THE STATE OF ASSAM AND 6 ORS
REPRESENTED BY THE CHIEF SECRETARY-CUM-CHAIRMAN, STATE
LEVEL COMMITTEE, GOVERNMENT OF ASSAM, DISPUR, GUWAHATI-
781006.

2:THE COMMISSIONER AND SECRETARY
GOVERNMENT OF ASSAM
PUBLIC HEALTH ENGINEERING DEPARTMENT
DISPUR
GUWAHATI-781006.

3:THE CHIEF ENGINEER (PHE) WATER
HENGRABARI
GUWAHATI
DIST. KAMRUP(M)
ASSAM
PIN- 781036.

4:THE JOINT SECRETARY
BODOLAND TERRITORIAL COUNCIL
KOKRAJHAR
PIN- 783370.

5:THE ADDITIONAL CHIEF ENGINEER (PHE) CUM DIRECTOR
PHED
BTR

KOKRAJHAR
DIST. KOKRAJHAR
PIN- 783370.

6:THE DEPUTY COMMISSIONER CUM CHAIRMAN
DISTRICT LEVEL COMMITTEE FOR COMPASSIONATE APPOINTMENT
UDALGURI DISTRICT
ASSAM
PIN- 784509.

7:THE EXECUTIVE ENGINEER (PHE)
TANGLA DIVISION
TANGLA
DIST. UDALGURI
ASSAM
PIN- 784521

Advocate for the Petitioner : MR. M KALITA

Advocate for the Respondent : GA, ASSAM

BEFORE
HON'BLE MR. JUSTICE LANUSUNGKUM JAMIR
ORDER

06.03.2024

Heard Mr. M. Kalita, learned counsel for the petitioner. Also heard Mr. R. K. Musahary, learned Standing Counsel, BTC, for respondent Nos.4, 5, 6 and 7; Ms. M. Bhattacharjee, learned Additional Senior Government Advocate, Assam for respondents No.1 and 6 and Ms. M. Kalita, learned Standing Counsel, PHE Department, Government of Assam, for respondent Nos.2 and 3.

2. The case of the petitioner, in brief, is that father of the petitioner late Junash Daimiari died in harness on 17.08.2014 while serving as Grade-IV employee (Pump Operator) in the office of the Executive Engineer (PHE), Tangla Division, Tangla. Thereafter, the petitioner made an application for appointment on compassionate ground. The said application was forwarded to the Director, PHED, BTC, Kokrajhar

by a letter dated 08.06.2015 by the Joint Secretary, BTC, Kokrajhar.

3. Grievance of the petitioner is that his case has not been placed before the DLC till date.
4. On 16.02.2024, Mr. Musahary, learned Standing Counsel, BTC was directed to receive instructions.
5. Today when the matter is called up, learned Standing Counsel, BTC has produced a communication dated 05.03.2024 written by the Additional Chief Engineer, PHED-cum-Director PHED, BTC, Kokrajhar stating that the proposal for compassionate appointment in respect of the petitioner was placed in the meeting of the DLC held on 20th August, 2016. The minutes of the DLC has also been enclosed with the said communication.
6. Perusal of the minutes indicates that the case of the petitioner was not considered on the ground that there was no vacant sanctioned post of Pump Operator.
7. In view of above, Mr. Kalita, learned counsel for the petitioner, prays for withdrawal of this writ petition with liberty to file afresh.
8. Accordingly, the writ petition is disposed of on withdrawal with liberty, as prayed for.
9. The communication dated 05.03.2024 as well as the minutes of the DLC meeting held on 20th August, 2016 is placed on record.

JUDGE

Comparing Assistant