

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  
O R D E R**

**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 20<sup>th</sup> 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 20<sup>th</sup> August, 2016 is placed on record.

**JUDGE**

**Comparing Assistant**