

GAHC010005712024



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

Case No. : WA/108/2024

ARIF HUSSAIN
S/O- LT ALTAF HUSSAIN, VILL- RAIMADHA, P.O. KOMARKUCHI, P.S.
KOMARKUCHI, DIST- NALBARI, PIN- 781347

VERSUS

THE STATE OF ASSAM AND 4 ORS.
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM, A.H. AND
VETERINARY DEPTT., DISPUR, GHY-6

2:DIRECTOR
A.H. AND VETY.
KHANAPARA
GHY
DIST- KAMRUP (M)
PIN- 781022

3:D.C.
KAMRUP
AMINGAON
GHY- 36

4:DISTRICT ANIMAL HUSBANDRY AND VETY.
OFFICER INCHARGE
DIST- KAMRUP (M)
CHENIKUTHI
GHY-3

5:CHIEF SECRETARY

GOVERNMENT OF ASSAM
STATE LEVEL COMMITTEE(SLC)

Advocate for the Petitioner : MR. R C SAIKIA

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE THE CHIEF JUSTICE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR**

ORDER

**Date : 15.05.2024
*(Vijay Bishnoi, CJ)***

This writ appeal has been filed by the appellant being aggrieved by the order dated 06.12.2023, passed by the learned Single Judge in WP(C)/2930/2019, whereby, the writ petition filed by the appellant has been dismissed.

The appellant has approached the writ court with a grievance that his application for compassionate appointment in view of the death of his father, who was a Government Servant, has not been considered and decided by the authorities concerned. The learned Single Judge had dismissed the writ petition mainly on the ground that the appellant has approached the authorities concerned seeking compassionate appointment in the year 2019, whereas, his father, the Government Servant expired on 06.05.2015. The learned Single Judge was of the opinion that when the appellant and his mother survived immediate hardship, the decision of the authorities of not providing appointment to the appellant on compassionate ground, on whatsoever ground, is not liable to be interfered with.

The scheme of compassionate appointment is a departure from the general provision providing for appointment to any post after following the procedure for recruitment. It is also to be kept in mind that the scheme for appointment on compassionate ground is not a source of recruitment but, it is a benevolent scheme floated by the Government to see that the dependents of the deceased are not deprived of means of livelihood. The scheme of appointment on compassionate ground enables the family of the deceased to get over the sudden financial crisis.

In the case in hand, the Government Servant i.e. the father of the appellant expired on 06.05.2015 and the application of the mother of the appellant seeking appointment on compassionate ground was dismissed in the year 2018, thereafter, the appellant has filed application seeking appointment on compassionate ground in the year 2019.

Taking note of the fact that for all the intervening period, after the death of the father of the appellant, the appellant; his mother and family members had survived the hardship, hence, without going into the merit of the case, we are inclined to interfere in the impugned judgment dated 06.12.2023, passed by the learned Single Judge in WP(C)/2930/2019 and accordingly, the writ appeal stands dismissed.

JUDGE

CHIEF JUSTICE

Comparing Assistant