



GAHC010047722022



2025:GAU-AS:17380

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

Case No. : WP(C)/1790/2022

UDIT NARAYAN PURKAYASTHA
S/O- LATE UDAY SANKAR PURKAYASTHA, R/O- VIVEKANANDA ROAD,
LANE NO. 17, P.O AND P.S- SILCHAR, DIST- CACHAR, ASSAM, PIN-788007

VERSUS

THE STATE OF ASSAM AND 6 ORS
REP. BY THE CHIEF SECRETARY, TO THE GOVT. OF ASSAM, DISPUR,
GUWAHATI-781006.

2:THE STATE LEVEL COMMITTEE
FOR APPOINTMENT ON COMPASSIONATE GROUND
HEADED BY THE CHIEF SECRETARY
TO THE GOVT. OF ASSAM CUM CHAIRMAN

DISPUR
GUWAHATI-781006.

3:THE COMMISSIONER AND SECRETARY
TO THE GOVT. OF ASSAM
INFORMATION AND PUBLIC RELATIONS DEPTT.
DISPUR
GUWAHATI-06.

4:THE DIRECTOR
OF INFORMATION AND PUBLIC RELATIONS
ASSAM
DISPUR
GUWAHATI-06.

5:THE DEPUTY DIRECTOR
OF INFORMATION AND PUBLIC RELATIONS



BARAK VALLEY REGION
SILCHAR

6:THE DEPUTY COMMISSIONER

CACHAR
SILCHAR
PIN-788006

7:SEEMA DEB
W/O- LATE ASUTOSH DEB
R/O- VILLAGE SHIB COLONY (BISWANATH COLONY)
P.O AND P.S- RANGIRKHARI
DIST-CACHAR
SILCHAR
PIN-78800

Advocate for the Petitioner : MR. R P SARMAH, MR M R ADHIKARI,MS S P CHETRY

Advocate for the Respondent : GA, ASSAM, MS. K MALAKAR (R-7),MR. A BHATTACHARJEE (R-7),MR. A BHATTACHARYA (R-7)

BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

JUDGMENT& ORDER (CAV)

Date : 16-12-2025

Heard Mr. M.R. Adhikari, learned counsel for the petitioner. Also heard Mr. K. Konwar, learned Addl. AG, Assam appearing for the State/ respondent and Mr. J. Ahmed, learned counsel appearing for the respondent No. 7.

2. The petitioner by way of the present application has assailed the decision of the State Level Committee (SLC) arrived at in its meeting held on 03-10-2019, towards rejecting his claim for appointment on compassionate ground, while proceeding to recommend the case of the respondent No. 7 for such appointment. The petitioner has also assailed the appointment effected in respect of the respondent No. 7 on

compassionate grounds, on 18-11-2021.

3. The father of the petitioner, herein, Uday Sankar Purkayastha while working as a Jugali in the Regional office of the Department of Information & Public Relations, Barak Valley Region, Silchar, died-in-harness on 14-05-2012. The petitioner had submitted his application for being considered for appointment on compassionate grounds against any Gr-IV vacant post on 20-07-2012.

The District Level Committee (DLC) on being forwarded with the claim made by the petitioner, considered the same and recommended the case of the petitioner for appointment against a vacant post by the DLC in its meeting held on 28-02-2014. In the said meeting, the claim of the respondent No. 7, herein, Smti. Seema Deb was also considered, however, no recommendation came to be made in respect of the respondent No. 7 on account of non-availability of vacancy. The materials brought on record reveals that the subsequently the District Level Committee (DLC) had also made a recommendation in favour of the respondent No. 7, herein, in its meeting held on 23-12-2014. The recommendation made in respect of the petitioner, herein, as well as that made in respect of the respondent No. 7 came to be placed before the SLC in its meeting held on 03-10-2019. The SLC upon considering the case of the petitioner, herein, by noticing that 02 (two) years having lapsed from the date of submission of the application by the petitioner, the same having spent its force and there being no vacancy available during the period, proceeded to reject the claim of the petitioner, herein. The SLC, thereafter, considered the claim of the respondent No. 7 and proceeded to draw the following conclusions:-

*“The SLC examined the cases of (1), (2) **Seema Deb, W/o Lt. Ashutosh Deb, Unit Boy, who expired on 10.08.2013**, (3), (4)....., (5) and the Committee after careful examination of their cases found that there were vacancies available during that period and also the applicants had not spent their force for more than 2 years. Hence, the committee recommended their cases for appointment on compassionate ground in the post of Grade-IV.”*

A perusal of the said decision would reveal the SLC in its meeting held on 03-10-2019, had applied two different yardsticks while considering the claim of the petitioner, herein, and while considering the claim of the respondent No. 7.

4. It is an admitted position that the father of the petitioner had expired on 14-05-2012 and he had, thereafter, promptly submitted an application. Similarly the husband of the respondent No. 7 had expired on 19-06-2013 and thereafter, she had also promptly submitted an application claiming appointment on compassionate ground. The applications filed by the petitioner and the respondent No. 7, as on the date, when it was considered by the SLC, admittedly more than 02 (two) years had lapsed, since the date they were so preferred. This Court on a perusal of the decision of the SLC arrived at in its meeting held on 03-10-2019, finds that for the purpose of rejecting the claim of the petitioner for appointment on compassionate ground had projected that his application having remained pending for 02 (two) years, the same had spent its force and also projected that there were no vacancies available during the period for consideration of his case. However, while considering the claim of the respondent No. 7 recommended her case favourably by projecting availability of vacancies as well as that her application had not spent its force, inasmuch as, it was not pending for more than 02 (two) years. Basing on the said recommendation made by the SLC, the respondent No. 7, herein, was

favoured with an appointment on compassionate ground on 18-11-2021, against a post of peon.

5. The respondents have filed affidavit in the matter explaining the contradictory stand taken by the SLC in its meeting held on 03-10-2019 with regard to the manner in which it had considered the case of the petitioner and also the manner in which it considered the case of the respondent No. 7. This Court is not satisfied with the explanation so set out by the respondent authority. In the event the petitioner's claim was rejected on the ground that his application having remained pending for 02 years, had spent its force and there were no vacancies available for such consideration during the period, the claim of the respondent No. 7 could not have been recommended, inasmuch as, the reasoning assigned in respect of the petitioner also stood attracted in the case of the respondent No. 7.

6. The explanation as set out by the respondents in the matter with regard to the period for which an application would remain valid has been so made by projecting the date of the vacancy considered in the matter, which in the considered view of this Court is erroneous, inasmuch as, the policy for appointment on compassionate ground mandates that such application remaining pending and not considered due to want of vacancy for a period of 02 (two) years from the date of making such application, would have to be understood to have spent their force. Such prescription has been made in the policy of the State for appointment on compassionate ground in pursuance to the direction passed by this Court in the case of **Achyut Ranjan Das & Ors. Vs. State of Assam & Ors.** reported in **2006 (4) GLT 674**.



7. In view of the above discussions, this Court is of the considered view that the petitioner, herein, has been discriminated against by the SLC while considering his application for appointment on compassionate grounds. Having drawn the said conclusions, this Court noticing that the respondent No. 7 was appointed on compassionate ground on 18-11-2021 and has by now completed 04 (four) years of such service, this Court restrains itself from proceeding to interfere with such appointment effected in respect of the respondent No. 7, herein.

8. The learned counsel for the petitioner had prayed that the case of the petitioner admittedly not being considered in the manner required by the State Level Committee, a direction is called upon to be issued for a fresh consideration of the case of the petitioner. This Court has examined the said contention of the petitioner. This Court notices that the father of the petitioner had died-in-harness on 14-05-2012 and around 13 (thirteen) years have lapsed since then. The purpose behind providing appointment on compassionate ground is to provide immediate relief to the family, in pursuance to the death of a Government servant. Such appointment is to be made proximate to the time of death of the Government servant. In the case on hand, considering the long lapse of time occasioning since the date of death of the father of the petitioner, the immediacy required to be complied for extending an appointment to the family of the petitioner is lost. The claim of the petitioner has been rendered a stale one. Accordingly, it would not be permissible for this Court to pass a direction upon the respondent authority to reconsider the case of the petitioner, herein, for appointment on compassionate grounds. [Refer: ***State of W.B. Vs. Debabrata Tiwari & Ors.*** reported in ***2023 SCC OnLine(SC)***]



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9. However, this Court having concluded that the claim of the petitioner for appointment on compassionate ground was not considered by the SLC in the manner required, this Court is of the considered view that the petitioner is required to be compensated with.

10. Accordingly, this Court directs the respondent authority to pay to the petitioner an amount of Rs. 1,00,000/- (Rupees One Lakh), as compensation for the deprivation caused to him in the matter of consideration of his claim for appointment on compassionate ground.

11. The said amount of compensation awarded by this Court be released to the petitioner by the respondent No. 1, 3 and 4, as expeditiously as possible but not later than 02 (two) months from the date of receipt of a certified copy of this order.

12. With the above observations and direction, the present writ petition stands disposed of.

JUDGE

Comparing Assistant