

(2020) 10 GAU CK 0012
In the Gauhati High Court
Case No : Writ Petition (C) No. 8357 Of 2019

Ashmia Dhar

APPELLANT

Vs

State Of Assam And 4 Ors

RESPONDENT

Date of Decision : 19-10-2020

Acts Referred:

Citation : (2020) 10 GAU CK 0012

Hon'ble Judges : Achintya Malla Bujor Barua, J

Bench : Single Bench

Advocate : B. D. Das, P. Nayak

Final Decision : Dismissed

Judgement

AM Bujor Barua, J

1. Heard Mr. B. D. Das, learned senior counsel for the petitioner. Also heard Mr. P. Nayak, learned standing counsel for the Finance Department as well as for the PWD.

2. The petitioner was appointed as a Work Charge (Tracer) on compassionate ground, subject to fulfillment of certain conditions laid down in the office memorandum No. ABP.357/80/137 dated 09.09.1983.

3. It is stated and admitted by all concerned that the petitioner fulfilled all the conditions as laid down in office memorandum dated 09.09.1983. The petitioner states that although she was appointed on compassionate ground, her appointment had not been on a regular basis.

4. The Deputy Secretary, PWRD vide the communication dated 30.03.2019 had informed that Finance Department had rejected the claim of the petitioner for regularization. Being aggrieved, the present writ petition has been instituted . Before going to any other question, we are of the view that any order on compassionate ground has to be appointment on regular basis. The claim for compassionate appointment can either be rejected or accepted as per law, but

once it is accepted the appointment is understood to be regular appointment. This court vide judgment dated 13.03.2019 in WP (C) 7779/2018 also provided that any appointment made under the die-in-harness scheme under compassionate ground is to be made on regular basis.

5. Considering the aforesaid law, it is directed both the PWRD and Finance Department shall pass an appropriate order for appointment of the petitioner to be on regular basis.