
(2001) 03 GAU CK 0022
In the Gauhati High Court
Case No : WP (C) No. 198 of 2001

Kumari Thounaojam Rajeeta Devi

APPELLANT

Vs

State of Manipur and Another

RESPONDENT

Date of Decision : 16-03-2001

Acts Referred:

Citation : (2001) 03 GAU CK 0022

Hon'ble Judges : N. Surjamani Singh, J

Bench : Single Bench

Advocate : N. Kotishwor Singh, for the Appellant; R.K. Jayantakumar Singh, Addl. GA, for the Respondent

Judgement

N.S. Singh, J.—Upon hearing Mr. N. Kottshwor Singh, learned counsel for the petitioner as well as Mr. R.K. Jayantakumar Singh, learned Additional Govt. Advocate and, also on perusal of the available materials on record, I am of the view that this matter can be disposed of at this stage considering the simple nature of the case and, accordingly, this writ petition is hereby disposed of with the following short order. In this writ petition, the petitioner Kumari Thounaojam Ranjeeta Devi made a prayer for a direction to the respondents/authority concerned to appoint her to any of the vacant post of Field Assistant under the respondents-Department on compassionate ground by contending Inter alia, that the father of the petitioner namely late Th. Rameshwar Singh while he was working/serving as Peon in the Department of Horticulture & Soil Conservation, Govt. of Manipur died on 03.01.1999 due to Cardiorespiratory failure following hypertensive stroke and he was the only earning member of the family and that, on the death of the petitioner's father, the family members was put to great financial hardships. According to Mr. N. Kotishwor Singh, learned counsel for the petitioner, the case of the petitioner has been recommended by the appropriate authority vide, office letter dated 20th January, 2000 vide No. DH&SC-1/128-DH/ Vol. IV issued by the Director, Horticulture & Soil Conservation, Manipur as in Annexure-A/8 to the writ petition and, thereafter the Government has conveyed

its approval for appointment of the writ petitioner to any one of the available vacant posts of LDC in the Department concerned under die-in-harness scheme with certain conditions vide, Govt. office letter dated 9.3.2000 bearing No. 30-M/18/92-HSC issued by the Under Secretary to the Govt. of Manipur, Secretariat Horticulture & Soil Consvn. Deptt. as seen in the document marked as Annexure-A/2 to the writ petition. Heard also Mr. R.K. Jayantakumar Singh, learned Additional Govt. Advocate for the State respondents.

It is not disputed that by virtue of the related judgment and order (oral) passed by this Court on 21.2.2001 in W.P. (C) No. 1336/2000, the ban imposed by the Government in the matter of appointment on compassionate ground was quashed and as such, the appointment to the deserving person or persons who claim(s) for their appointment on compassionate ground or under die-in-harness scheme may be given appointment to a suitable post commensurate with his or her educational qualification and, apart from it, in the instant case, the Government has conveyed its approval for appointment of the writ petitioner to any one of the available vacant posts of L.D.C. in the Department concerned under the said scheme as mentioned above. This Court had examined the legal aspect and issue pertaining to the appropriate on compassionate ground in a catena of cases Including the latest case between Smt N.C. Devi v. State of Manipur and Ors. under a related judgment and order (oral) dated 21.2.2001 in W.P. (C) No. 1336 of 2000 wherein, this Court was of the view that the related scheme is intended to help the victim of the circumstances who are in dire financial conditions and appointment under the said scheme is meant only for giving immediate relief to the bereaved family and the object of it is rehabilitate the family members of the deceased employee/employees who are in distress and hardship and it should be an Immediate relief but not a delayed relief.

Keeping in view of these established principles of law and also considering the existing facts and circumstances of this case, I direct the official respondents/competent authority concerned to afford appointment to the writ petitioner to the post of LDC/Field Assistant as approved by them or in any suitable post commensurate with her educational qualification as early as possible preferably, within a period of one month from the date of receipt of this order. This Court hope and trust that the official respondents shall do the needful in the matter as per order and direction of this Court so that the writ petitioner may feel that justice has been done from that end of the official respondent/competent authority concerned.

For the reasons, observations and direction made above, this writ petition is disposed of but, no order as to costs.