

GAHC010007352017



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

Case No. : WP(C) 1778/2018

1:MANAB DAS @ J. DAS
S/O LATE LALIT DAS, VILL- BAGTA, PO BAGTA, DIST. KAMRUP (R),
ASSAM

VERSUS

1:THE CHAIRMAN and MANAGING DIRECTOR, APDCL and 4 ORS.
APDCL, PALATAN BAZAR-1

2:THE CHIEF GENERAL MANAGER (D)
APDCL(LAR) BIJULI BHAWAN
PALTAN BAZAR
GUWAHATI-1

3:THE CHIEF EXECUTIVE OFFICER
THE ELECTRICAL CIRCLE II
APDCL (LAR)
GAUHATI UNIVERSITY BYE PASS (NH WAY)
JALUKBARI
GUWAHATI-14

4:THE ASSISTANT GENERAL MANAGER
MIRZA ELECTRICAL SUB DIVISION
APDCL (LAR)
MIRZA
ASSAM

5:THE GENERAL MANAGER
GUWAHATI ZONE
APDCL (LAR) SIX MILE
GUWAHATI-2

Advocate for the Petitioner : MR.D BAISHYA

Advocate for the Respondent : MR. SC, APDCL

**BEFORE
HONOURABLE MR. JUSTICE HRISHIKESH ROY**

ORDER

28-03-2018.

The petitioner's father *Late Lalit Das* died in harness on 29.08.2005, while he was employed as SBO-II in the Mirza Electrical Sub-Division, ASEB (now APDCL). The son of the deceased, applied for *compassionate* appointment but when the same was not being considered, he filed the WP(C) No.5757/2016. This case was disposed of on 26.9.2016 (Annexure-9), with direction to the APDCL authorities to consider the petitioner's case for *compassionate* appointment, in light of the guidelines laid down in the case of *Achyut Ranjan Das vs. State of Assam*, reported in 2006 (4) GLT 674 and *Faziron Nessa vs. State of Assam*, reported in 2010 (4) GLT 340.

Following the above direction of the Court, the impugned *speaking order* was passed on 25.1.2017 (page-57), whereby the Chief General Manager (HQ) has declared that the claim does not fall under the purview of the *APDCL Compassionate Appointment Scheme, 2014*, which is in force w.e.f. 18.2.2014. Moreover, the claim is not maintainable under the purview of the earlier Scheme applicable at the time of the employee's death on 29.08.2005.

However, Mr. D.C.C. Phukan, the learned counsel submits that the petitioner's father died of electrical accident while he was performing duty under the APDCL and therefore, his case should have been considered for *compassionate* appointment, particularly when the name of the petitioner was enlisted at Sl. No.35 (page-44), amongst the aspirants, in the *compassionate* category.

In view of above, let notice returnable in 4 weeks, be issued. Mr. K.D. Sharma, the learned standing counsel for the APDCL, accepts notice for all five respondents. Necessary extra copies be furnished to him.

JUDGE

Comparing Assistant