

GAHC010043052022



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

**Case No. : WP(C)/1764/2022**

PARAMESWAR BASUMATARY  
S/O. LT. GAJENDRA BASUMATARY, VILL. ADALBARI, PS.. DIST. BAKSA  
(BTAD), ASSAM.

VERSUS

THE STATE OF ASSAM AND 3 ORS.  
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM, IRRIGATION  
DEPTT., DISPUR, GUWAHATI-06.

2:THE DEPUTY COMMISSIONER CUM HEAD OF THE ADMINISTRATIVE  
DEPTT.

DIST. NALBARI  
ASSAM.

3:THE CHIEF ENGINEER

IRRIGATION DEPTT.  
CHANDMARI  
GUWAHATI-03  
ASSAM.

4:THE EXECUTIVE ENGINEER

NALBARI IRRIGATION DIVISION  
DIST. NALBARI  
ASSAM  
PIN

**Advocate for the Petitioner** : MRS. P B BORDOLOI, MR. U N CHATTRY,MS. W SULTANA

**Advocate for the Respondent : SC, IRRIGATION, GA, ASSAM**

**BEFORE  
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

**ORDER**

**18.02.2026**

Heard Mrs. PB Bordoloi, learned counsel for the petitioner. Also heard Ms. M Bhattacharjee, learned Additional Senior Government advocate, Assam and Mr. N Upadhyay, learned Standing Counsel, Irrigation Department.

In deference to the direction contained in the order dated 21.09.2018 passed in WP(C) No.6109/2016 whereby the Coordinate Bench of this Court issued the following directions:

*“5. In that view of the matter, the writ petition is disposed of with a direction to the respondent no. 3 & 4 to place the case of the petitioner before the respondent no.5 within a period of 15 (fifteen) days from the date of receipt of a certified copy of this order. The respondent no.5 on receipt of the same shall place the case of the petitioner before the next DLC meeting and the DLC shall consider his case in terms of Paragraph-15 of the Office memorandum dated 01.06.2015 issued by the Department of Personnel (B). In short, the petitioner should be considered against any available vacancy in other department apart from the Irrigation Department.”*

The matter was placed before the DLC. DLC in its meeting held on 20.07.2019 in so far as the writ petitioner is concerned held that the 5% of the total cadre/strength being reserved for appointment in compassionate ground,

the case of the petitioner is not found to be considerable, however, in terms of the directions issued in the order dated 21.09.2018 passed in WP(C) No.6109/2016, the DLC forwarded the proposal to the Administrative Department for consideration at their level as per Principal No.15 of the Government OM dated 01.06.2015. That not being considered, the petitioner is before this Court.

Since the Irrigation Department is the Administrative Department, Mr. N Upadhyay, learned Standing Counsel, Irrigation Department will obtain instructions as to how if the proposal was forwarded by the DLC vide their meeting held on 20.07.2019 to consider the matter of the petitioner, it is not considered.

Let this matter be listed again on 16.03.2026.

**JUDGE**

**Comparing Assistant**