

GAHC010237822025



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

**Case No. : WA/55/2026**

KHORSING TIMUNG  
SON OF LATE SARMEN TIMUNG, RESIDENT OF RAONGKANGTUI, DIPHU,  
P.ODIPHU, DISTRICT- KARBI ANGLONG, ASSAM.

VERSUS

THE STATE OF ASSAM AND 7 ORS  
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT OF  
ASSAM, DISPUR, GUWAHATI-06.

2: THE SECRETARY TO THE GOVT. OF ASSAM

COOPERATION DEPARTMENT  
DISPUR  
GUWAHATI- 06.

3: THE SECRETARY TO THE GOVT. OF ASSAM

FINANCE DEPARTMENT  
DISPUR  
GUWAHATI-06.

4: THE STATE LEVEL COMMITTEE (SLC)

REPRESENTED BY THE CHIEF SECRETARY  
GOVT. OF ASSAM  
DISPUR  
GUWAHATI-06.

5: THE PRINCIPAL SECRETARY

KARBI ANGLONG AUTONOMOUS COUNCIL (KAAC)

DIPHU KARBI ANGLONG  
ASSAM  
PIN- 782460.

6:THE ADDITIONAL REGISTRAR OF COOPERATIVE SOCIETIES

DIPHU  
KARBI ANGLONG  
ASSAM

7:THE ASSISTANT REGISTRAR OF COOPERATIVE SOCIETGIES

DIPHU KARBI ANGLONG  
ASSAM.

8:THE DISTRICT DEPUTY REGISTRAR OF COOPERATIVE SOCIETIES

DIPHU  
KARBI ANGLONG  
ASSAM.

9:THE TREASURY OFFICER

DIPHU  
KARBIANGLONG  
DIPHU  
ASSAM

**Advocate for the Petitioner** : JAKIRUL ISLAM BORBHUIYA, MR A HOSSAIN,A B T HAQUE

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

Linked Case : WA/46/2026

SRI KHORSING TIMUNG  
SON OF LATE SARMEN TIMUNG  
RESIDENT OF RAONGKANGTUI  
DIPHU  
P.O DIPHU  
DISTRICT- KARBI ANGLONG  
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DIPHU

8: THE TREASURY OFFICER  
DIPHU

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Advocate for : MR J I BARBHUIYA  
Advocate for : GA  
ASSAM appearing for THE STATE OF ASSAM AND 7 ORS

For the appellant/petitioner(s) : Mr. J. I. Borbhuiya, Advocate  
Mr. A.B.T. Hoque, Advocate

For the Respondent(s) : Mr. J. Chutia, SC, KAAC

**- B E F O R E -**

**HON'BLE THE CHIEF JUSTICE MR. ASHUTOSH KUMAR  
HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY**

**24.04.2026**

*(Ashutosh Kumar, CJ)*

Both the appeals have been heard together.

We have heard Mr. J. I. Borbhuiya, learned Advocate for the appellant and Mr. J. Chutia, learned Standing Counsel, Karbi Anglong Autonomous Council (KAAC), for the respondent Nos. 5 to 8.

One of the writ appeals (WA No. 55/2026) has been preferred against the order dated 24.09.2025, passed by the learned Single Judge in WP(C) No. 4046/2025, upholding the decision of the State Level Committee, and the other (WA No. 46/2026) challenging the order dated 24.09.2025 passed by the learned Single Judge in WP(C) No. 4609/2025, whereby the order passed by the respondents in restraining the appellant from discharging his duty, was upheld.

The father of the appellant, a Senior Inspector/Auditor under the Additional Registrar of Co-operative Societies (Hills), Karbi Anglong, Diphu, Assam, died in harness on 05.12.2007 leaving behind a large family, including the appellant.

The case of the appellant is that he applied for compassionate appointment immediately after the death of his father, which was

processed by the District Level Committee sometimes in the year 2014 and, on his being found fit, he was, in the year 2021, given provisional appointment to a Grade-III post of Lower Division Assistant (LDA). He joined the post on 29.01.2021 and had been performing his duty satisfactorily. Even police verification was done in the same year.

However, later, when the records were referred to the State Level Scrutiny Committee, the Committee in its meeting held on 02.03.2023 rejected the recommendation of the District Level Committee, citing the reason that the application for grant of compassionate appointment was made on 23.05.2013, i.e. beyond five years of the death of the employee, which was in breach of the rules provided in the Government O.M. dated 01.06.2015, whereunder the time limit for compassionate appointment has been set out.

The State Level Committee, it appears from the records, was aware of the fact that provisional appointment letter had already been issued to the appellant and that payments of salary were also made. However, because of the rejection of the recommendation by the State Level Committee, the salary of the appellant was stopped. No salary could have been released to the appellant without the Finance (SIU) approval.

A perusal of the records indicates that the appellant was appointed on compassionate ground in the year 2021, which in itself appears to be questionable because of the long delay in his appointment after the death of the employee in the year 2007. It could very well have been the fault of the respondents, nonetheless, the sense of immediacy had already been lost.

However, what has been argued today is that the State Level

Committee, under the impression that the application for compassionate appointment was made for the first time in the year 2013, did not accept the recommendation of the District Level Committee. This fact *prima facie* appears to be incorrect, as the recommendation by the District Level Committee was made earlier.

Nevertheless, the question whether the appellant would be entitled for compassionate appointment or not, shall be considered in the light of the principle that compassionate appointment is to be made only to provide immediate succor to the family in distress on the death of the bread earner.

However, for straightening the records, it would be necessary for us to ascertain the date and year as to when the application for compassionate appointment was made by the appellant.

On the next date, Ms. Sumitra Sarma, learned Government Advocate, who appears for the State Level Scrutiny Committee, shall produce before this Court the records of the State Level Committee with respect to the appellant.

Re-notify on **02.06.2026**.

**JUDGE**

**CHIEF JUSTICE**

**Comparing Assistant**