

GAHC010254902024



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

Case No. : WP(C)/6536/2024

PAL GOGOI
SON OF LATE MAHENDRA GOGOI,
NALKATA GAON, P.O.- BAGALIJAN,
MOUZA- NAKARI,
P.S.- NORTH LAKHIMPUR,
DIST.- LAKHIMPUR, ASSAM,
PIN- 787031.

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM,
POWER (ELECTRICITY) DEPARTMENT,
DISPUR, GUWAHATI- 781006.

2:THE ASSAM ELECTRICITY GRID CORPORATION LIMITED (AEGCL)
REPRESENTED BY ITS CHAIRMAN

BIJULEE BHAWAN
PALTANBAZAR

GUWAHATI- 781001.

3:THE GENERAL MANAGER (HR)
ASSAM ELECTRICITY GRID CORPORATION LIMITED
(AEGCL)
BIJULEE BHAWAN
PALTANBAZAR

GUWAHATI- 781001.

4:THE COMMITTEE FOR CONSIDERATION OF APPOINTMENT ON
COMPASSIONATE GROUND

AEGCL

REPRESENTED BY ITS CHAIRMAN-CUM-CGM(O AND M)

CAR

AEGC

BIJULEE BHAWAN

PALTANBAZAR

GUWAHATI- 781001.

5:THE DEPUTY MANAGER

T AND T CIRCLE

ASSAM ELECTRICITY GRID CORPORATION LIMITED (AEGCL)

NORTH LAKHIMPUR

PIN- 787001.

6:THE ASSISTANT GENERAL MANAGER

ASSAM ELECTRICITY GRID CORPORATION LIMITED (AEGCL)

HATIGARH

DHEMAJI

PIN- 787057

Advocate for the Petitioner : MR. M R LASKAR, MR N SARMA

Advocate for the Respondent : SC, AEGCL, MR. C K S BARUAH

BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 22-01-2026

Heard Mr. N. Sarma, learned counsel for the petitioner. Also heard Mr. S. Kataki, learned standing counsel, Assam Electricity Grid Corporation Ltd. for the respondents.

2. The petitioner in the present proceeding has presented a challenge to an order dated 25-10-2024 issued by the General Manager (HR), Assam Electricity Grid Corporation

Ltd., rejecting the claim of the petitioner for appointment on compassionate grounds and authorizing to the petitioner an amount of Rs. 2,00,000/- (Rupees Two Lakhs) in lieu of appointment on compassionate grounds.

The father of the petitioner, Mahendra Gogoi, while working as a 'Sahayak' in the Assam Electricity Grid Corporation Ltd. (hereinafter referred to as 'AEGCL') died-in-harness on 19-10-2011. It is projected in the writ petition that the death of the father of the petitioner had occasioned due to a electric shock suffered by him while performing his duties as Sahayak in the Control Room of 132 KV Grid Sub-Station, AEGCL. The petitioner at the time of death of his father was a minor and accordingly, an application came to be made on 28-01-2012 by the mother of the petitioner for consideration of the case of the petitioner for appointment on compassionate grounds on the date he attains majority. The petitioner attained majority in the year 2013 and thereafter, a fresh application was submitted by the mother of the petitioner for consideration of the case of the petitioner for appointment on compassionate grounds. The case of the petitioner was considered by the authorities of the AEGCL, however, the matter not being taken to its logical conclusion, the petitioner approached this Court by way of filing a writ petition being W.P. (C) No. 5965/2023. A Coordinate Bench of this Court vide order dated 21-05-2024 proceeded to dispose of the said writ petition with a direction upon the respondent AEGCL to consider the case of the petitioner for appointment on compassionate grounds in terms of the "Scheme for Appointment on Compassionate Grounds, 2014". The authorities of AEGCL upon consideration of the case of the petitioner in terms of the said scheme of 2014 found the petitioner to be not entitled for appointment on compassionate grounds.

However, considering the financial status of the family of the petitioner, the Committee recommended for release of an *ex-gratia* amount of Rs. 2,00,000/- (Rupees Two Lakhs) to the family of the petitioner, in terms of the provision of Clause 11(iii) of the AEGCL Scheme for Compassionate Appointment, 2014. The said decision of the Committee was communicated to the petitioner vide order dated 25-10-2024 issued by the General Manager (HR), AEGCL. In the said order the approval granted by the competent authority basing on the recommendation made by the Committee for release of an amount of Rs. 2,00,000/- to the petitioner, herein, was highlighted.

Being aggrieved, the petitioner has instituted the present proceeding.

3. I have heard the learned counsel for the parties and also perused the materials available on record.

4. The father of the petitioner had died-in-harness on 19-10-2011. At the relevant point of time, the petitioner was aged around 16 (sixteen) years and was a minor. The petitioner having attained the age of majority in the year 2013, the mother of the petitioner submitted an application for consideration of the case of the petitioner for appointment on compassionate grounds. After submission of the said application, the AEGCL authorities had adopted a new scheme for appointment on compassionate grounds in the year 2014. The case of the petitioner not being considered, he had approached this Court by way of instituting a writ petition being W.P.(C) No. 5965/2023 and the Coordinate Bench of this Court vide order dated 21-05-2024 had disposed of the said writ petition by directing the respondent authorities to consider the case of the petitioner in terms of the provisions of the 2014 Scheme for Compassionate Appointment.

It is found that the case of the petitioner was duly considered by the constituted Committee in terms of the said Scheme of 2014 for appointment on compassionate grounds. On such consideration being made, the petitioner, herein, was found to be not eligible for being extended with appointment on compassionate grounds in terms of the provision of Clause 11(i) & (ii) of the said scheme of 2014. It is the categorical stand of the respondent AEGCL before this Court that there is no record available in the organization of the petitioner's father having met his death on account of suffering an electric accident/ shock. The case of the petitioner not being found to be covered by the provisions of the Sub-Clause (i) & (ii) of Clause 11 of the said Scheme of 2014, the Committee proceeded to recommend the release of *ex-gratia* amount of Rs. 2,00,000/- (Rupees Two Lakhs) to the family of the petitioner in terms of Sub-Clause (iii) of Clause 11 of the said Scheme of 2014. The provisions of said Scheme of 2014 having provided for extension of an alternative relief to the claimants for appointment on compassionate grounds in the form of monetary compensation, the respondent authorities on considering the case of the petitioner having released to the petitioner the alternative relief, i.e. payment of *ex-gratia* amount of Rs. 2,00,000/- (Rupees Two Lakhs), this Court is of the considered view that the said decision of the AEGCL authorities would not mandate any interference.

5. The petitioner, herein, in terms of the directions passed by the Coordinate Bench of this Court vide order dated 21-05-2024 was entitled to only have his case considered for appointment on compassionate grounds in terms of the provision of the Scheme of 2014, which was made applicable to him by this Court. The respondent authorities having

considered the case of the petitioner in accordance with the said scheme and no right for appointment on compassionate grounds being inherent dehors the scheme in question, the non-appointment of the petitioner on compassionate grounds and the sanction of an amount of Rs. 2,00,000/- to the, in the considered view of this Court, would not mandate any interference.

6. At this stage, it is to be noted that the father of the petitioner had died-in-harness on 19-10-2011, around 14 years have lapsed since the date of death of the father of the petitioner in harness. After lapse of such considerable period of time, the immediacy required for effecting appointment of a dependent of an employee on compassionate grounds is lost. The claim of the petitioner for being considered for appointment on compassionate grounds, considering the long lapse of time occasioning in the matter since the date of death of the petitioner, in the considered view of this Court has been rendered to be a stale one and accordingly, this Court would not proceed to direct the respondent authorities to accord a fresh consideration in respect of the claim made by the petitioner for appointment on compassionate grounds after the said claim has been rendered stale. [*Refer State of W.B. Vs. Debabrata Tiwari & Ors. reported in (2023) SCC OnLine SC 219*]

7. In view of the conclusions reached hereinabove, this Court is of the considered view that the present writ petition is devoid of any merit and accordingly, the same stands dismissed. However, there would be no order as to cost.

JUDGE

Comparing Assistant