

BEFORE
HON'BLE THE CHIEF JUSTICE MR. AJIT SINGH
HON'BLE MR. JUSTICE MANOJIT BHUYAN

8.6.2017

(Ajit Singh, C.J.)

Mr.H Buragohain and Mr. S Hazarika, learned counsel for the appellants.

Ms. S Kanugoe, learned counsel for the Respondent.

This intra-court appeal is directed against the order dated 4.12.2014 passed by the learned Single Judge of this High Court, whereby he has allowed respondent's WP(C) No. 528 of 2011.

Babul Chandra Dev was husband of the respondent. He died-in-harness on 22.6.1993, while serving as Roller Handyman under the appellants. The respondent, therefore, applied for compassionate appointment and the appellants agreed to her request. The respondent was, thus, appointed on 11.12.1998 on compassionate ground. Although she should have been appointed on a suitable vacant post, her appointment was made as a Work Charged staff. Her case was also taken up for regularization by the appellants against available vacancies, but when nothing happened and her salary was also withheld with effect from August/September, 2010, she filed WP(C) No.528/2011. In the writ petition, the respondent prayed for a direction against the appellants to regularize her services against available vacancies and also to pay arrears of salary.

The learned Single Judge, after hearing the respondent and the appellants, by the impugned order, allowed the writ petition with a direction to regularize the services of respondent and also to pay arrears of salary. Aggrieved, the appellants have filed the present appeal.

Admittedly, the appellants have paid arrears of salary to the respondent. As regard regularization of the services of respondent, the learned counsel for the appellants states that if this court will direct, the services of respondent will be regularized within 15 days. We fail to understand why another direction is needed in appeal for the appellants to regularize the services of respondent, when the learned Single Judge has already issued such a direction. In all fairness, the appellants should have appointed the respondent on a suitable vacant post, but instead, she was appointed as Work Charged staff. Compassionate appointment is neither illegal nor irregular mode of appointment. In the fact situation of the case, the services of respondent deserve to be regularized without further delay. The impugned order is well founded and does not call for any interference.

The appeal has no merit and is accordingly dismissed.

JUDGE

CHIEF JUSTICE

skd