GOVERNMENT OF ASSAM
HOME (A) DEPARTMENT
3rd Floor, I-Block, Janata Bhawan, Dispur, Guwahati-781006
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ORDER

eCF No. 716651/1106 Dated Dispur, the 13th March, 2026

Whereas, an application for appointment on compassionate ground was submitted by Shri Koustav Moni Borah, S/o-Late Champak Borah, whose father served as Ex-Havildar, following the demise of the Government employee on 09-10-2007. The applicant submitted his application for compassionate appointment on 01-04-2008, and the District Level Committee (DLC), Morigaon, in its meeting held on 08-12-2023, recommended the proposal for appointment of the applicant to Grade-III (Constable GD) post; and

Whereas, the Hon'ble Gauhati High Court, vide order dated 03-04-2025 passed in WP(C) No. 6222/2024 (Koustav Moni Borah vs. State of Assam & Ors.), directed that all applications for compassionate appointment shall be considered and disposed of by the concerned **DLC/SLC on merit**, in accordance with the Government guidelines that were in force prior to **01.04.2017** and relevant judgments of Hon'ble Supreme Court and the High Court. The Court clarified that it has not gone into the merits of individual cases, and the authorities while deciding the applications for compassionate appointment, the respondents shall not be relied upon the impugned OM dated **18.09.2024**, though the judgment of the Hon'ble Supreme Court in the case of *Debabrata Tiwari* (supra) may be taken into consideration, and that the order shall apply only to cases pending as on **03.04.2025**; and

Whereas, in compliance with the aforesaid directions of the Hon'ble Gauhati High Court and the order dated 03-04-2025 passed in WP(C) No. 6222/2024 linked with WP (C) No. 342/2025 (Abdul Kadir Bakshi vs. State of Assam & Others), the proposal relating to Shri Koustav Moni Borah was placed before the State Level Committee (SLC) in its meeting held on 24-12-2025 for consideration; and

Whereas, the State Level Committee examined the proposal in light of the provisions contained in Office Memorandum No. ABP.50/2006/Pt/182 dated 01-06-2015 issued by the Personnel (B) Department, read with other relevant provisions governing compassionate appointment that were in force prior to the year 2017, as applicable to cases pending as on 03-04-2025; and

Whereas, the State Level Committee observed that the application for compassionate appointment was submitted on 01-04-2008 and that an inordinate lapse of time has occurred since the date of death of the Government employee and submission of the application, thereby negating the foundational principle of immediacy underlying the scheme of compassionate appointment; and

Whereas, the State Level Committee further observed that the case of the applicant is not in conformity with principle of immediacy as the proposal has lost its relevance due to efflux of time, in view of the law laid down by the Hon'ble Gauhati High Court in WP(C) No. 3875/2005 (*Achyut Ranjan Das vs. State of Assam & Others*), reported in 2006 (4) GLT 674, as well as the judgment of the Hon'ble Supreme Court in the case of ***Debabrata Tiwari* (supra),** wherein it has been held that compassionate appointment cannot be claimed or granted after a considerable lapse of time, as the element of immediacy ceases to exist; and

Whereas, the State Level Committee also took note of the settled legal position that compassionate appointment is not a matter of right, but a welfare measure intended to provide immediate financial relief to the family of a deceased Government employee, and that once the period of immediate financial hardship is over, the very object of compassionate appointment stands defeated.; and

Now, therefore, upon due consideration of all relevant facts, records, applicable provisions, and judicial pronouncements, and in compliance with the directions of the Hon'ble Gauhati High Court, the Governor of Assam is pleased to concur with the decision of the State Level Committee and hereby rejects the proposal for appointment on compassionate ground in respect of Shri Koustav Moni Borahon account of efflux of time and absence of the element of immediacy. Accordingly, the application of Shri Koustav Moni Borah for appointment on compassionate ground stands disposed of.

By order and in the name of the Governor of Assam

Secretary to the Govt. of Assam
Home & Political Departments

Memo eCF No. 716651/1106-A Dated Dispur, the 13th March, 2026

Copy for information and necessary action to:-

1. The Staff Officer to Chief Secretary, Assam for kind appraisal of Chief Secretary.
2. The Assistant Inspector General of Police (W), Assam, Ulubari, Guwahati-07 for kind information and necessary action.
3. The Senior Govt. Advocate, Assam, Gauhati High Court, Guwahati-01 forkind information.
4. P.S to the Commissioner & Secretary to the Govt. of Assam, Personnel Department for kind apprisal of Commissioner & Secretary.
5. Shri Koustav Moni Borah, S/o-Late Champak Borah, Vill- Jelehua Gaon, PO- Dergaon, PS- Dergaon, Dist- Golaghat, PIN-785614.

By order etc.,

Deputy Secretary to the Govt. of Assam
Home & Political Departments