

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MEGHALAYA, MANIPUR, TRIPURA
MIZORAM AND ARUNACHAL PRADESH)
ITANAGAR PERMANENT BENCH
NAHARLAGUN

Appeal from
Writ Petition (Civil)

W.P. No.....!!... (AP) 2011

Shri Tade Mize

Appellant
Petitioner

-Versus-

The State of AP & Ors.

Respondent
Opposite Party

Counsel for the Appellant
Petitioner

T. Sivam
T. Tapak
T. Taki
T. Tabing
T. R. Singh

Counsel for the Respondent
Opposite Party

G. A. (AP)

Noting by Officer or Advocate	Serial No.	Date	Office,note,reports,orders or Proceeding with signature
(1)	(2)	(3)	(4)

IN THE MATTER OF

Shri Tate Mize S/o Late Taring
Mize(Mali); village Pangkeng; P.O/P.S-
Rumgong; District West Siang,
Arunachal Pradesh.

.....Petitioner

-Versus-

1. The State of Arunachal Pradesh
represented by the Commissioner,
Agriculture, Govt. of Arunachal
Pradesh, Itanagar.
2. The State of Arunachal Pradesh
represented by the Secretary
Agriculture, Govt. of Arunachal
Pradesh, Itanagar.
3. The Director of Agriculture, Govt. of
Arunachal Pradesh, Naharlagun.
4. The District Agriculture Officer,
Aalo/Along; Govt. of Arunachal
Pradesh; District West Siang,
Arunachal Pradesh.

.....Respondents

Officer or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signatures
1	2	3	4
			<p style="text-align: center;">WP(C) 11 (AP) 2011</p> <p style="text-align: center;"><u>BEFORE</u> THE HON'BLE MR. JUSTICE P.K.MUSAHARY</p> <p><i>[11th January, 2011]</i></p> <p>Heard Mr. T. Tapak, learned counsel for the petitioner and also heard Mr. N. Lowang, learned Addl. Sr. Govt. Advocate, appearing for the official respondents.</p> <p>The petitioner's case is that his father was serving as Mali in the Department of Agriculture and he was paralysed physically some time in the year 1998 and he had to go on leave for a long period of time. Against his leave vacancy, the petitioner was appointed as Mali during 1998 to 2002 against his father's post. The petitioner's father died on 25-11-2002.</p> <p>The petitioner submitted an application on 20-07-2004 for appointment on compassionate ground against his deceased father's vacancy. The said application was duly forwarded to the Director of Agriculture, Govt. of Arunachal Pradesh, Naharlagun by the District Agriculture Officer, West Siang District, Aalo (Respondent No.4) vide his letter No.WS/AGRI/Estt.-5/246-1 dated 16th August, 2006. Subsequently, as the respondent authorities are not taking any steps, the petitioner submitted reminders on several occasions. No reply has been received from the respondent authorities and as such the petitioner is before this court for appropriate relief.</p> <p>Although petitioner's father died on 25-11-2002, he did not approach this court against the alleged inaction of the State respondents and the matter has been pending for more than last 9 years. There are rulings of Hon'ble Supreme Court to the effect that the appointment on compassionate ground can not be considered after a lapse of long period of time because</p>

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the purpose of providing such appointment is to enable the family to get over sudden financial crisis faced due to death of the bread earner leaving it in penury. And when a family is pulling on for such a long period, it is taken that the said family can survive without such appointment. The petitioner's family is found exactly in same situation and as such no direction can be given to the respondent authorities to appoint the applicant on compassionate ground.

This writ petition cannot be entertained at this belated stage and accordingly, the same stands dismissed.


JUDGE

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