



**GOVERNMENT OF ASSAM**  
**PERSONNEL(B) DEPARTMENT DISPUR :: GUWAHATI-6**  
**Block-A, 3<sup>rd</sup> Floor, Janata Bhawan,; [personnel.deptt.b@gmail.com](mailto:personnel.deptt.b@gmail.com),**

No. ABP.92/2012/254

Dated Dispur the 1<sup>st</sup> November, 2021

**OFFICE MEMORANDUM**

Subject: Compliance of Court orders.

The Honorable Gauhati High Court has observed that of late, the Government Officers in their own enthusiasm are taking it upon themselves to re-adjudicate the judgement of the Court and are taking decision contrary to Court's judgement.

In this regard, the Hon'ble High Court in its order dated 27.09.2021 in WP(C) No. 4870/2021 (Nezam Uddin- Vs- State of Assam and others) has observed that the petitioner's father who was a LP school teacher died in harness on 26.07.2015. At the time of death of the Government servant, the petitioner was minor and accordingly he had made his application on 27/6/2017 for compassionate appointment after attaining majority. But, his application was not placed before the District Level Committee of Karimganj district by the District Elementary Education Officer, Karimganj. The Hon'ble Gauhati High Court in the order dated 24.02.2021 passed in WP(C) No.1114/2021(Nezam Uddin-Vs- State of Assam and others) directed the District Elementary Education Officer, Karimganj to place the matter before the District Level Committee. But, the District Level Committee of Karimganj district had rejected the claim of the petitioner in its meeting dated 11/6/2021 on the ground that the petitioner submitted application after he has crossed the time limit of two years for making application from the date of death of the Government servant as stipulated in the OM No ABP. 50/2006/Pt/182 dtd 1/6/2015. In this case, the Hon'ble High Court in the aforesaid order dated 27/9/2021 has viewed seriously that the District Level Committee had taken upon itself to re-adjudicate the matter and such conduct of the District Level Committee can be construed to be contempt of Court.

The Hon'ble High Court has further indicated that this is not an isolated case and of late it is being noticed that the Government Officers in their own enthusiasm are taking it upon themselves to re-adjudicate the judgement of the Hon'ble Court and are taking decision contrary to Court's judgement which would lead to deterioration of Constitutional order prevailing in the Country.

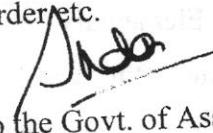
Hon'ble Court has further instructed – “issue appropriate notification in general to all officers of the Govt. of Assam not to indulge any acts of such nature. If the orders of the Court are later on noticed to be incorrect, appropriate remedy would be to file an appeal or to move an application of review, but under no circumstance a government officer unilaterally to take upon itself to re-adjudicate of the Court's order and take different view on one pretext or the other and act accordingly”.

Sd/-Ruby Borah, IAS  
Commissioner & Secretary to the Govt. of Assam  
Personnel Department

Copy for information and necessary action to:

1. All Additional Chief Secretaries to the Government of Assam, Dispur.
2. The Principal Secretary to the Chief Minister, Assam, Dispur.
3. All Principal Secretaries/ Commissioner and Secretaries/ Commissioner & Special Secretaries/ Secretaries to the Government of Assam, Dispur.
4. Sri. P.N. Goswami, Additional Advocate General, Assam, H.No. 14, 7<sup>th</sup> Byelane, Dr. Zakir Hussain Road, Motoria, Dispur, Guwahati-6, with reference to his letter No. AGL.46/2016/551 dtd. 27/8/2021 is requested to appraise Hon'ble High Court.
5. All Commissioners of Divisions.
6. All Heads of Departments.
7. All Deputy Commissioners. They are requested to send copies of this Notification to all Blocks/ offices of the district.
8. Principal Secretaries, KAAC, Diphu/ Bodoland Territorial Council, Kokrajhar/ Dima Hasao Autonomous Council, Haflong.
9. The S.O to the Chief Secretary, Assam, Dispur.
10. PS to the Ministers/ Minister of State, Assam, Dispur.
11. The Superintendent, Assam Government Press, Bamunimaidan, Ghy-21 for favour of publication of the above Notification in the extra ordinary Assam Gazette.

By order etc.

  
Joint Secretary to the Govt. of Assam  
Personnel (B) Department