



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

Case No. : WP(C)/74/2023

SHRI. KHEZALETUO NEIHU
AGED ABOUT 23 YEARS,
S/O LATE KHWETO NEIHU,
R/O KIGWE TOWN, B.P.O, KIGWEMA,
KOHIMA, NAGALAND

VERSUS

THE STATE OF NAGALAND AND 2 ORS
THROUGH THE CHIEF SECRETARY TO THE GOVERNMENT OF NAGALAND,
NAGALAND, KOHIMA

2:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
NAGALAND
PERSONNEL AND ADMINISTRATIVE REFORMS DEPARTMENT
NAGALAND
KOHIMA

3:THE CHIEF ENGINEER
PHED
NAGALAND
KOHIM

Advocate for the Petitioner : PAKINRICHAPBO

Advocate for the Respondent : GOVT ADV NL

**BEFORE
HON'BLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

ORDER

05.12.2023

1. Heard Mr. Pakinrichapbo, learned counsel for the petitioner.
Also heard Mr. Mosemsa Longkumer, learned Government Advocate

appearing for all the respondents.

2. The petitioner prays for appointment on compassionate ground, on account of his father dying-in-harness on 24.02.2019, while serving as a Duftry on regular basis in the establishment of the Superintending Engineer, PHE Department, Kohima.

3. The petitioner's counsel submits that the petitioner submitted an application for compassionate appointment to the respondent no.3, vide letter dated 17.06.2019. However, no decision has been taken by the respondent no.3, with regard to the petitioner's application for compassionate appointment. He submits that besides the 18 persons that have been given compassionate appointment from the year 2018 till date in the PHE Department, 218 regular appointments have been made to Grade-III & Grade-IV posts during the same period i.e. 2018 -2022. He submits that the same being in violation of the Office Memorandum No. AR-8/8/78 dated 17.09.2015, which is the "Revised Compassionate Appointment Scheme for State Government employees who die in harness", the petitioner's case should have been considered for compassionate appointment by the respondent nos.3.

4. The petitioner's counsel submits that the writ petition can be disposed of with a direction to the respondent no.3, to consider the case of the petitioner for compassionate appointment and to take a decision on the same within a specified time period.

5. Mr. Mosemsa Longkumer, learned Government Advocate for the respondents submits that he has got no objection to the prayer made by the petitioner's counsel. However, the respondent no.3 should consider the case of the petitioner, keeping in view the

requirements laid down in the O.M. dated 17.09.2015.

6. I have heard the learned counsels for the parties.

7. In view of the fact that the petitioner's application for compassionate appointment (Annexure-D) has not been considered by the respondent nos.3 till date, the respondent no.3 is directed to take a decision on the petitioner's application dated 17.06.2019 for compassionate appointment, in terms of the O.M. dated 17.09.2015, within a period of 3 (three) months from the date of receipt of a certified copy of this order, which should be accompanied with a copy of the writ petition. The decision to be taken by the respondent no.3 shall be communicated to the petitioner.

8. The writ petition is accordingly disposed of.

Sd/-

JUDGE

Comparing Assistant