

GAHC020003312023



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

Case No. : WP(C)/133/2023

MISS CHUTAI CHEMDOK
D/O LATE T.IMKONG PHOM, PERMANENT RESIDENT OF PONGCHING
VILLAGE, LONGLENG, NAGALAND

VERSUS

THE STATE OF NAGALAND AND 2 ORS
THROUGH THE COMMISSIONER AND SECRETARY TO THE GOVT. OF
NAGALAND, DEPT. OF ART AND CULTURE, NAGALAND KOHIMA

2) THE COMMISSIONER AND SECRETARY
DEPT. OF P AND AR, KOHIMA NAGALAND

3) THE DIRECTOR
DIRECTORATE OF ART AND CULTURE

Advocate for the Petitioner : ARENLONG

Advocate for the Respondent : GOVT ADV NL

Linked Case : I.A.(Civil)/80/2023

MISS CHUTAI CHEMDOK
D/O LATE T. IMKONG PHOM
PERMANENT RESIDENT OF PONGCHING VILLAGE
LONGLENG NAGALAND

VERSUS

THE STATE OF NAGALAND AND 2 ORS

REPRESENTED THROUGH THE COMMISSIONER AND SECRETARY
DEPARTMENT OF ART AND CULTURE
NAGALAND KOHIMA

Advocate for : ARENLONG
Advocate for : GOVT ADV NL appearing for THE STATE OF NAGALAND AND 2
ORS

BEFORE
HON'BLE MRS. JUSTICE MARLI VANKUNG
ORDER

Date : 08-08-2023

Heard Mr. Arenlong, learned counsel for the petitioner.

This is an application filed under Article 226 of the Constitution of India praying for issuance of an appropriate writ against the respondents for non consideration of appointment of the petitioner on compassionate ground as per the Office Memorandum No. AR/8/8/78 dated 17.09.2015, issued by the Department of Personnel and Administrative Reforms (P&AR), Government of Nagaland and the Addendum No. AR/8/8/78 dated 09.04.2019, issued by the Department of Personnel and Administrative Reforms (Administrative Reforms Branch), Government of Nagaland.

The learned counsel for the petitioner submits that the petitioner's father, while working as Deputy Librarian (Class-II), Department of Art and Culture, Kohima, Nagaland died in harness on 20.10.2020 leaving behind his wife and daughter. That the deceased was the sole bread earner of the family and his sudden death had left the family in dire economic conditions. The learned

counsel further submits that the petitioner is a B.Sc. (Agri) graduate and she had applied for appointment on compassionate ground *vide* letter dated 27.10.2020, forwarded *vide* letter dated 27.10.2020, and *vide* letter dated 16.12.2020. That the Commissioner & Secretary to the Government of Nagaland, Department of Art and Culture, Kohima, Nagaland, inspite of the letter dated 16.12.2020 had not made any response and therefore, a reminder application was again made by the petitioner on 07.12.2022. However, till date, the concerned authorities/respondents have not considered her application. The learned counsel for the petitioner submits that the instant writ petition may be disposed of at the Motion stage itself by a direction to the State respondents to consider the applications/representations made by the petitioner.

Mr. E. Thiba Phom, learned Government Advocate for the State respondents is present and accepts notice on behalf of the State respondents.

He submits that he has no objection to the prayer made by the learned counsel for the petitioner to consider the applications made by the petitioner.

Having heard the submissions made by both the parties, this Court finds it fit to dispose the instant writ petition at the Motion stage itself. It is seen that the petitioner, on the death of her father, Mr. T. Imkong Phom (Lt.), who was working as Deputy Librarian (Class-II), Department of Art and Culture, Kohima had submitted her application/representation *vide* letter dated 27.10.2020 addressed to the Director, Directorate of Art and Culture, Nagaland,

Kohima, which was forward to the Additional Director (HoD), Art and Culture, Nagaland Kohima by the Librarian, State Library, Art and Culture, Nagaland, Kohima on 27.10.2020 which was again forwarded to the Commissioner and Secretary to the Government of Nagaland, Department of Art and Culture, Nagaland, Kohima by the Additional Director and HoD, Art and Culture, Nagaland, Kohima on 16.12.2020. On receiving no response from the State respondents, the petitioner submitted a reminder for appointment on compassionate ground dated 07.12.2022 addressed to the Director, Directorate of Art and Culture, Nagaland, Kohima. However, since no response was received till date, the instant writ petition has been filed.

Thus, considering the limited prayer made by the learned counsel for the petitioner, which is not objected by the learned Government Advocate, the Court finds it fit to direct the authorities/respondents to consider the letters dated 27.10.2020 and 07.12.2022 and to dispose of the applications within 3 (three) months from the date of receiving a certified true copy of this order.

Accordingly, WP(C)/133/2023 stands allowed and disposed.

Sd/-
JUDGE

Comparing Assistant