



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

Case No. : Review.Pet./9/2022

THE COMMISSIONER AND SECRETARY, INFORMATION AND PUBLIC
RELATIONS AND ANR
NAGALAND, KOHIMA 2: THE DIRECTOR

INFORMATION AND PUBLIC RELATIONS

NAGALAND
KOHIMA

VERSUS

SMTI. R. SHIKLONG KONYAK
D/O LT. RONSHONG, VILLAGE - CHI,
DISTRICT - MON, NAGALAND

Advocate for the Petitioner : GOVT ADV NL

Advocate for the Respondent :

**BEFORE
HON'BLE MR. JUSTICE NELSON SAILO**

ORDER

21.03.2023

Heard Ms. V. Soukhrie, learned Addl. Advocate General,
Nagaland and also Ms. Moajungla, learned counsel for the sole
respondent. Considering the projection made by the review

petitioner, the same is taken up for disposal at the motion stage.

[2.] By filing this review petition, the petitioner seeks review of the order dated 23.06.2022 passed in WP(C) No. 69/2020, more particularly paragraph No. 6 of the said order. Paragraph No. 6 of the order is abstracted for ready perusal.

“[6] There is no dispute with regard to the existence of the scheme for compassionate appointment that was published vide O.M dated 17.09.2015. As per the recruitment rules for the post of Information Assistant as annexed by the State respondents in their counter affidavit, the educational qualification prescribed is Bachelor degree in any discipline and the petitioner is a Master degree holder in Arts, as can be seen from the proposal format that was submitted by the Directorate of Information & Public Relation to its Administrative Department. The State respondents in their counter affidavit has also not denied anywhere that the petitioner cannot be considered for compassionate appointment. There is also no statement to the effect that there is no vacancy in the post of Information Assistant to accommodate a compassionate appointee, such as the petitioner. Therefore, upon due consideration, I find merit in the writ petition and the same is disposed of with a direction to the official respondents to consider the case of the petitioner for compassionate appointment as per the scheme and against the post of Information Assistant, as was already recommended by the Addl.

Director in his letter dated 02.07.2019 wherein, the name of the petitioner was forwarded in the prescribed format while stating that she was at Serial No. 1 of the waiting list since the year 2014 or any such other equivalent post. Let such consideration be done by the respondent authorities within a period of 3 (three) months from the date of receipt of a certified copy of this order.”

[3.] The learned Addl. Advocate General submits that as per the Nagaland Information & Public Relations Service rules, 2013, the post of Information Assistant is to be filled up 100% by way of direct recruitment through the selection process conducted by the Nagaland Public Service Commission (NPSC). On the other hand, the prayer of the writ petitioner was for compassionate appointment in terms of the Revised Compassionate Appointment Scheme for the State Government employees who die in harness as notified by the Personnel & Administrative Reforms Department (Administrative Reforms Branch), Govt. of Nagaland vide Office Memorandum dated 17.09.2015 (Annexure-J). As per the said Scheme, compassionate appointment can be made only in respect of Group-C and Group-D posts, which is outside the purview of the NPSC. The learned counsel submits that the Additional Director, Information & Public Relations in the Directorate of Information & Public Relations vide letter dated 02.07.2019 had forwarded the application of the writ petitioner to the Commissioner & Secretary

to the Govt. of Nagaland, Information & Public Relations for appointment to the post of Lower Division Assistant-cum-Computer Assistant in the establishment of District Public Relations Officer office at Mon. Therefore, there is an error in the direction given by this Court that the writ petitioner should be considered for compassionate appointment against the post of Information Assistant as contained in paragraph No. 6 of the order sought to be reviewed.

[4.] To this submission, the learned counsel for the writ petitioner/sole respondent Ms. Moajungla fairly admits consideration for compassionate appointment of the writ petitioner is to be made against a Group-C and Group-D post as per the relevant scheme. She further submits that since the writ petitioner has been waiting for 9 long years for being appointed on compassionate basis, the respondent authorities may be directed to consider her appointment without further delay.

[5.] Considering the above submissions and on perusal of the materials available on record, this Court is of the view that the review petitioner has made out a ground for review of the order dated 23.06.2022. Accordingly, the post of Information Assistant as mentioned in paragraph No. 6 of the order should be replaced by the words 'to consider the case of the petitioner for compassionate

appointment as per the scheme against the post of LD Assistant or any other similar and equivalent post.' It is further provided herein that such consideration should be done as expeditiously as possible having regard to the delay in the process of considering the case of the petitioner and preferably within a period of 3 (three) months from today.

[6.] Review petition accordingly stands disposed of.

Sd/-

JUDGE

Comparing Assistant