

GAHC020005922020



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

Case No. : WP(C)/223/2020

T. TEMSULA PHOM
D/O LATE N. SHARMA @ TALITEMJEN PHOM, DRIVER, DISTRICT HOSPITAL,
LONGLENG, NAGALAND

VERSUS

THE STATE OF NAGALAND AND 2 ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVT. OF NAGALAND

2:THE PRINCIPAL DIRECTOR
DIRECTORATE OF HEALTH AND FAMILY WELFARE
NAGALAND
KOHIMA

3:THE CHIEF MEDICAL OFFICER
DISTRICT HOSPITAL
LONGLENG
NAGALAND

Advocate for the Petitioner : M. KASAR

**Advocate for the Respondent : GOVT ADV NL
BEFORE
HONBLE MR JUSTICE KARDAK ETE**

ORDER

19.09.2023

Heard Mr. M. Kasar, learned counsel for the petitioner as well as
heard Mr. E. Thiba Phom, learned State counsel.

By instituting this application, the petitioner has prayed for a

direction for appointment in any Grade-IV post on compassionate ground in terms of the Office Memorandum No. AR-8/8/78 dated 17.09.2015, as the father of the petitioner, who was working as Driver died in harness on 04.01.2015 while he was serving under the establishment of District Hospital, Longleng, Nagaland.

The case of the petitioner in nutshell is that the father of the petitioner named, Mr. N. Sharma @Talitemjen Phom was a regular Government employee serving as a Driver under the establishment of the District Hospital, Longleng, Nagaland. He died in harness on 04.01.2015 leaving behind his unemployed wife and 4 (four) children including the petitioner who are not employed in any Government office.

The petitioner being the eldest daughter of Late Mr. N. Sharma @Talitemjen Phom submitted an application dated 13.06.2019 to the Principle Director, Directorate of Health and Family Welfare, Nagaland for appointment in any Grade-IV post on compassionate ground.

The respondent authority has not considered the grievance of the petitioner. Hence, this writ petition for appropriate direction to the respondent authority for appointment to any Grade-IV post in the State Government on compassionate ground.

Mr. E. Thiba Phom, learned State counsel while referring to the additional affidavit filed on behalf of the State respondents submits that the case of the petitioner has been found to be eligible to be considered on compassionate ground. Therefore, the petitioner's

case shall be considered as and when her turn comes. The statements made in the additional affidavit are reproduced herein below:

“2. That it is pertinent to state that the department on proper scrutiny of the records from the office of the Medical Superintendent, Longleng, it has been found that Late N. Sharma, Driver (petitioner’s father) was regularized by vide order No. DHS-3/116/TGS/84-85 dated 19.06.1984. Further, it is also beg to state that due to administrative oversight the earlier Affidavit-in-opposition was filed, in fact, in the main writ petition the petitioner had not made any averments or enclosed documents stating that the petitioner father was a regular employee but only in the Affidavit-in-reply filed by the petitioner had annexed pension document claiming that her father was a regular employee, however, as per the available records, the petitioner case have been found to be eligible to consider on compassionate ground, therefore, the petitioner’s case shall be considered as and when her turn comes.”

Having considered the submissions of the learned counsel for the parties, this Court is of the view that the writ petition be disposed of with an appropriate direction. Accordingly, this writ petition is disposed with a direction to the respondent authority to consider the case of the petitioner for appointment in any Grade-IV post on compassionate ground in accordance with the relevant policy of the State Government. The State respondents are directed to consider the case of the petitioner within a period of 4 (four) months from the date of receipt of the certified copy of this order.

With the above direction the writ petition stands disposed of.

Sd/-
JUDGE

Comparing Assistant