

GAHC020006882023



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

Case No. : WP(C)/309/2023

SMTI LEMTILA
WIFE OF LATE NUNGSHICHUBA, RESIDENT OF LENGRIJAN COLONY,
DIMAPUR, NAGALAND

VERSUS

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

2) THE TRANSPORT COMMISSIONER
MOTOR VEHICLE DEPT. NAGALAND KOHIMA

3) THE ADDITIONAL TRANSPORT COMMISSIONER
MOTOR VEHICLE DEPT. NAGALAND KOHIMA

Advocate for the Petitioner : ALEM WAPANG AO

Advocate for the Respondent : GOVT ADV NL

**BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN**

ORDER

Date : 30-11-2023

Heard Mr. A. Wapang, learned counsel for the petitioner and
Ms. S. Chang, learned counsel for the State respondents.

2. In this petition, under Article 226 of the
Constitution of India, the petitioner has prayed to direct the

respondent authorities to appoint the petitioner in Grade-III post on compassionate ground in terms of the Office Memorandum, dated 17.09.2015; and to direct the respondent authorities to dispose of the representations dated 18.05.2020; 15.06.2020; and 16.05.2023, submitted by him.

3. The grievance of the petitioner is that her husband was appointed as a Motor Vehicle Checker under the establishment of Motor Vehicles Department, Transport Department, Nagaland, on 24.05.2006. Thereafter, on 23.10.2019, the husband of the petitioner died in harness, leaving behind the petitioner and he was the bread earner of the family and the petitioner has no source of income. Thereafter, the petitioner on 18.05.2020; 15.06.2020; and 16.05.2023, submitted representations to the respondent authorities for being appointed on compassionate ground. But, the respondent authorities did not pay any attention to the said representations.

4. Mr. Wapang, learned counsel for the petitioner submits that at the time of the death of the petitioner's husband, the age of the petitioner was 39 years and now she has completed 40 years. Mr. Wapang further submits that as per the scheme, the age of the petitioner should not be more than 40 years for being appointed on compassionate ground. Therefore, it is contended to allow the petition by directing the respondent authorities to consider the representations dated 18.05.2020; 15.06.2020; and 16.05.2023, submitted by the petitioner.

5. On the other hand, Ms. Chang, learned counsel for the petitioner submits that she has no objection in the event of disposing of this petition at this motion stage itself, by directing the respondent authorities to consider the case of the petitioner.

6. Having heard the submissions of learned counsel for both the parties, I have carefully gone through the petition as well as the documents placed on record.

7. In view of the submissions of learned counsel for both the parties and also as agreed to them, this Court is inclined to dispose of this petition, at this motion stage itself. Accordingly, it is provided that the respondent authorities shall consider and dispose of the representations dated 18.05.2020; 15.06.2020; and 16.05.2023, submitted by the petitioner, for being appointed in any Grade-III post on compassionate ground, within a period of 3 [three] months from today. The parties have to bear their own costs.

Sd/-
JUDGE

Comparing Assistant