



Serial No.21
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C). No. 110 of 2022

Date of Order : 30.07.2024

Shri. Everwell Shine Lyngkhoi,
S/o. (L) Shri. Hamlin Lyngdoh,
R/o Wahsiej Village, Mawkyrwat
South West Khasi Hills District
Meghalaya.

...Petitioner

-Versus-

1. State of Meghalaya represented by the
Chief Secretary, Govt. of Meghalaya,
Shillong.
2. The Commissioner & Secretary
Soil & Water Conservation,
Government of Meghalaya, Shillong.
3. Under Secretary to the
Government of Meghalaya,
Soil & Water Conservation,
Government of Meghalaya, Shillong.
4. Deputy Secretary to the
Government of Meghalaya,
Soil & Water Conservation,
Government of Meghalaya, Shillong.
5. The Director of Soil & Water Conservation,
Government of Meghalaya.



6. The Divisional Soil & Water Conservation Officer,
Nongstoin, Soil & Water Conservation, Nongstoin.

...Respondents.

Coram:

Hon'ble Mr. Justice H.S.Thangkhiew, Judge

Appearance:

For the Petitioner/Applicant(s) : Mr. P.Yobin, Adv.
Mr. K.V.E.Kharlyngdoh, Adv.
Ms. I.Laloo, Adv.

For the Respondent(s) : Mr. H.Abraham, GA.

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| i) | Whether approved for reporting in
Law journals etc: | Yes/No |
| ii) | Whether approved for publication
in press: _ | Yes/No |

JUDGMENT AND ORDER (ORAL)

1. The petitioner is before this Court with a prayer that his application for appointment on compassionate ground be given due consideration by the concerned respondents, who have rejected the same on the ground that the said application was received beyond the time limit prescribed by a communication dated 6th June, 2011, whereby pending proposals for appointment on compassionate ground were directed to be forwarded to the concerned department i.e., the Personnel & A.R.(B) Department, latest by 15th July 2011.



2. Mr. P.Yobin, learned counsel for the writ petitioner has submitted that the father of the writ petitioner had died in harness on 22nd August, 2009, and thereafter, immediately on 22nd September, 2009, an application for appointment on compassionate ground had been filed before the Divisional Officer, Nongstoin, Soil & Water Conservation (respondent No. 6). He submits that the said application was made in the standard form of application and all the required documents had also been annexed, but however, the said application did not receive any consideration on the ground as aforestated. Learned counsel also submitted that the petitioner had also been appointed as Tractor Handyman from 15-02-2010, but the same ceased on 06-01-2015, without any further extension which has put the writ petitioner into financial distress. The learned counsel has also drawn the attention of this Court to the said letter dated 6th June, 2011, and submits that as the application of the writ petitioner had been filed before 24th November, 2010, which was the cut of date and as such, was a pending proposal, for no fault of his, the same had not been sent to the concerned department for consideration within time. He therefore, prays that the application so filed be directed to be given due consideration by the respondents.

3. Mr. H.Abraham, learned GA appearing for the respondents has submitted that the application of the writ petitioner was received by the



respondent No. 5 only on 14th May, 2013 and has taken the Court to paragraph 8 of the affidavit, wherein it is stated that the application alongwith the supporting documents have been returned as the same had been received almost two years after the death of the government servant, and moreover, the scheme for compassionate appointment had been stopped since the year 2010. He therefore, submits that the application as directed being not received, no consideration can be given and the writ petition deserves no consideration.

4. Upon hearing the learned counsel for the parties, it is noticed that the writ petitioner by an additional affidavit filed on 05.02.2024, has brought on record the application for compassionate appointment dated 22.09.2009, along with all the necessary enclosures, which testifies to the fact that the writ petitioner had immediately after a month had elapsed after his father's death, had made the said application before the respondent No. 6. Further it is noted from the affidavit filed by the respondent No. 5, that the respondent No. 6 had by a communication dated 14.05.2013, addressed to the respondent No. 5 categorically stated that the application of the writ petitioner was received on 28.07.2010, which was prior to the date when the scheme was discontinued and the non-processing of the matter was due to oversight. This letter assumes great significance, as it shows that before the said cut-off date of 24th November,



2010, the application of the writ petitioner was already on board and the lapses, it appears, had been caused by the respondent No. 6 itself, who should have forwarded the same immediately.

5. Considering the nature of the case and notwithstanding the fact that compassionate appointment is allowed to tide over immediate financial emergencies that a family might face on the sudden demise of the bread winner, as the writ petitioner has filed the application when the scheme was alive and that too, before the cut-off date for consideration, though, much time has elapsed, this Court deems it fit to direct the respondents to consider the application on merit, preferably within a period of 6(six) months from the date of receipt of this order.

6. As ordered above, writ petition accordingly stands closed and disposed of.

Judge