



**Serial No.22**  
**Regular List**

**HIGH COURT OF MEGHALAYA**  
**AT SHILLONG**

WP(C). No. 230 of 2022

Date of Order: 16.09.2024

Smti. Laxmi Joshi

...Petitioner

-Versus-

1. The Union of India,  
Represented by the Secretary  
Ministry of Finance, New Delhi.
2. The Accountant General (Audit),  
Meghalaya, Shillong – 1.
3. The Establishment Officer,  
O/o The Accountant General (Audit),  
Meghalaya, Shillong – 1.

...Respondents.

**Coram:**

**Hon'ble Mr. Justice H.S.Thangkhiew, Chief Justice (Acting)**

**Appearance:**

For the Petitioner/Applicant(s) : Mr. S.Pandit, Adv.  
Mr. D.Hynniewta, Adv.

For the Respondent(s) : Mr. K.Kharmawphlang, Adv. and  
Ms. E.B.Passah, Adv. for R 2 & 3.

i) Whether approved for reporting in  
Law journals etc:

Yes/No



- ii) Whether approved for publication Yes/No  
in press:\_\_\_\_\_

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**JUDGMENT AND ORDER (ORAL)**

1. Heard Mr. S.Pandit, learned counsel for the petitioner and Mr. K.Kharmawphlang, learned counsel for the respondents No. 2 & 3.
2. The facts in brief are that the writ petitioner's father had died in harness on 11-02-2014, upon which the petitioner applied for appointment on compassionate ground in terms of the Scheme for Compassionate Appointment of the Government of India. The respondent No. 3 then directed the writ petitioner to appear before the Screening Committee and initially her application stood rejected. The writ petitioner then approached this Court by way of WP(C). No. 405 of 2016 which was disposed of by order dated 30-06-2017, directing the respondents to examine the case of the petitioner and consider the same sympathetically within one month.
3. It appears thereafter, the writ petitioner had appeared before the Screening Committee, the proceedings of which are annexed as Annexure-VI to the first affidavit filed by the respondents. In the said screening, at para 7 and 8, the Screening Committee came to the following findings:

*“7. The Committee was informed that as per the Service Book of (Late) Shri. Kedar Nath*



*Joshi, the family members were shown as follows:*

- (i) Smti. Maya Joshi (Wife)*
- (ii) Shri. Deepak Joshi (son)*
- (iii) Miss Laxmi Joshi (daughter)*
- (iv) Shri. Kishan Joshi (son).*

*8. As per the Welfare Officer Report, the eldest son Shri. Deepak Kumar Joshi after marriage has left the family and has no connection with the family. The Welfare Officer's Report also states that the other son i.e. Shri. Kishan Joshi is employed as a Field Assistant in the Special Bureau, Government of India, but does not support the family financially. The Report further stated that the mother of (Late) Shri. Kedar Nath Joshi also is also a dependent."*

4. A perusal of the same therefore, would reveal that the writ petitioner at that point of time was found to be eligible and entitled for grant of Compassionate Ground Appointment. However, the respondents then informed the writ petitioner vide a letter dated 28-03-2018 about the rejection of the appointment of the petitioner. In the course of the proceedings, as the letter dated 28-03-2018 was not the order issued by the competent authority, but was in fact a communication of the order thereof, the learned counsel for the respondents by way of an additional affidavit has produced the substantial order which was dated 08-01-2018. The same for the sake of convenience is also reproduced herein below:

*"No:- 03-Staff Entt (Rules)/C.A./02-2015*



**OFFICE OF THE COMPTROLLER &  
AUDITOR GENERAL OF INDIA  
9, DEENDAYAL UPADHYAYA MARG,  
NEW DELHI – 110 124**

*Date 08.01.2018*

To,

*The Accountant General (Audit),  
Meghalaya,  
Shillong – 793 001.*

*Sub: Compassionate Appointment of Ms. Laxmi  
Joshi, D/o Late Shri. Kedar Nath Joshi –  
relaxation regarding.*

Sir,

*I am directed to refer to your office letter  
No. DAG(A)/ Con-C/ Com-Appnt./ 2017-18 /334  
dated 22.11.2017 for reconsideration of the case  
of Ms. Laxmi Joshi for appointment on  
compassionate grounds by relaxing the norms  
where there is an earning member in the family  
which was required to be considered as per the  
Hon'ble High Court of Meghalaya.*

*2. It is stated that as per the Scheme for  
compassionate appointment issued by DOPT  
vide OM. No. 14014/02/2012-Estt.(D) dated  
16.01.2013, an application from a dependent  
family member of a deceased Government  
servant for compassionate appointment may be  
considered if the family is indigent and deserves  
immediate assistance for relief from financial  
destitution.*

*3. In the case of Ms. Laxmi Joshi D/o Late  
Shri. Kedar Nath Joshi, the family is entitled to  
receive family pension at enhanced rate till  
11.02.2024. There are no liabilities in the family.  
There is an earning member in the family.  
Further, no compelling reasons have been  
brought out to relax the norms where there is an  
earning member in the family.*



4. *In view of the above, the Competent Authority has not accorded approval for appointment of Ms. Laxmi Joshi D/o Late Shri. Kedar Nath Joshi on compassionate grounds.*

*Yours faithfully,*

*Sd/-*

*(A.Vimala)*

*Administrative Officer/Staff Entt. (Rules).”*

5. Without adverting to the submissions rendered by the respective counsels, it is seen that in the Screening Committee Report dated 09-11-2017, the case of the petitioner had been considered favourably, but however, by the order dated 08-01-2018, the same had been summarily rejected. The letter dated 08-01-2018, it is noted does not make any reference whatsoever to the report of the Screening Committee and has only come to a cryptic finding that “*there is an earning member in the family*”, which is not as per the Screening Committee Report.

6. Without further going into any other aspect of the case, though much time is elapsed, in view of the cryptic and brief nature of the order which had not taken into consideration the report of the Screening Committee, the respondents are directed to revisit the matter taking the Screening Committee Report into account and pass appropriate orders thereon within a period of three months from the date this order is placed before them by the writ petitioner.



7. With the above direction, writ petition accordingly stands closed and disposed of.

**Chief Justice (Acting)**