

GAHC020002032024



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

Case No. : WP(C)/63/2024

SMTI. TOLI S. ACHUMI
WIFE OF LATE NIUTO AWOMI P
PERMANENT R/O DIPHUPAR-A VILLAGE
DIMAPUR NAGALAND

VERSUS

THE STATE OF NAGALAND AND 4 ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVT. OF NAGALAND

2:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF NAGALAND
P AND AR DEPT. NAGALAND

3:THE COMMISSIONER AND SECRETARY
WORKS AND HOUSING DEPT. NAGALAND KOHIMA

4:THE ENGINEER-IN-CHIEF
NPWD NAGALAND KOHIMA

5:THE CHIEF ENGINEER
PWD (R AND B) NAGALAND KOHIM

Advocate for the Petitioner : SENTIYANGER

Advocate for the Respondent : GOVT ADV NL

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

ORDER

29.08.2024

Heard Mr. Sentianger, learned counsel for the petitioner and Mr. Y. Ajungli Sangtam, learned State counsel.

[2.] Having regard to the nature of the case projected by the petitioner and in view of the instructions received by the learned State counsel, writ petition is taken up for disposal at this stage.

[3.] It is the case of the petitioner that her husband died in harness on 01.12.2023 while he was working in the post of Sectional Assistant under the establishment of Executive Engineer, PWD (R&B), Atoizu division, Zunheboto. The petitioner thereafter submitted an application for compassionate appointment in the first week of March, 2024 and she was 35 (thirty-five) years of age. Apprehension has been shown by the petitioner that since the age limit is up to 35 (thirty-five) years for entry into Government service although the same is relaxable by 5 (five) years in exceptional cases in terms of the Office Memorandum (OM) dated 17.09.2015, issued by the Personnel & Administrative Reforms Department (Administrative Reforms Branch), Government of Nagaland, the petitioner being at serial No. 113 of the list for compassionate appointment may be rejected ultimately when her turn comes for consideration.

[4.] In view of such apprehension, the learned State counsel was asked to obtain instructions vide Order dated 08.08.2024.

[5.] Today, when the matter is listed, the learned State counsel on instructions submits that in view of the provision provided for relaxation of the upper age limit by 5 (five) years in the OM dated 17.09.2015 the Public Works Department would definitely consider relaxing the age of the petitioner as and when her turn comes for consideration.

[6.] Mr. Sentianger, learned counsel for the petitioner submits that if such an assurance is given by the Department the writ petition may be disposed of in the light of the same.

[7.] Upon hearing the learned counsels for the rival parties and in view of the instructions received by the learned State counsel the writ petition is disposed of with a direction to the respondent authorities to consider the case of the petitioner for compassionate appointment as and when her turn comes and while doing so, if her age is required to be relaxed, the same should be suitably relaxed in terms of the OM dated 17.09.2015.

[8.] With the above observations and directions, writ petition is disposed of.

Sd/-
JUDGE

Comparing Assistant