

GAHC020004382023



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

Case No. : WP(C)/173/2023

SMTI. T. IMTIWAPANGLA
D/O LATE TINUAKUM,
R/O MISSION COMPOUND, KOHIMA, NAGALAND

VERSUS

THE STATE OF NAGALAND AND 3 ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT OF
NAGALAND, KOHIMA

2:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
NAGALAND

DEPARTMENT OF TREASURIES AND ACCOUNTS
NAGALAND
KOHIMA

3:THE PRINCIPAL DIRECTOR

DIRECTORATE OF TREASURIES AND ACCOUNTS
NAGALAND
KOHIMA

4:TEH SENIOR TREASURY OFFICER

DIMAPUR
NAGALAN

Advocate for the Petitioner : ANUNGLA LKR

Advocate for the Respondent : GOVT ADV NL

**BEFORE
HON'BLE MR. JUSTICE KALYAN RAI SURANA**

ORDER

15.03.2024

Heard Ms. Anungla Lkr and Mr. Mosemsa Longkumer, learned Govt. advocate appearing for respondent nos.1 to 4.

2. In brief, the case of the petitioner is that her mother who was serving as a typist in the establishment of Senior Treasury Officer, Dimapur under the Department of Treasuries and Accounts, Nagaland had died in harness on 21.08.2014 and accordingly, in terms of OM dated 16.01.2012 and 17.09.2015, the petitioner applied for appointment on compassionate ground. As the application was not considered, the present writ petition was filed under Article 226 of the Constitution of India.

3. The learned Govt. advocate for respondent nos.1 to 4 has appeared pursuant to notice issued on them and they have filed an affidavit-in-opposition on 23.02.2024 wherein it is projected that the applications for appointment on compassionate ground are taken as per their seriatim in the waiting list as per addendum dated 09.04.2019 and a specific stand has been taken by the respondents that the name of the petitioner with all her particulars stands at serial no.1. Accordingly, the learned Govt. advocate has submitted that the respondents have clearly stated that the appointment of the petitioner will be considered commensurate to her qualification as and when a clear sanction post vacancy arises in the department.

4. In view of the said stand taken by the respondent nos. 1 to 4

through an affidavit-in-opposition filed by Mr. R.N. Yanthan, Principal Director, Directorate of Treasuries & Accounts, Nagaland, the Court is inclined to close this writ petition by issuing a direction to the respondents authorities to appoint the petitioner on compassionate ground as and when her turn for appointment at serial no.1 crystallizes and vacancy occurs.

5. Considering the nature of stand taken in the affidavit-in-opposition, the doubt remains in the mind of the Court that if the appointment is subject to vacancy, there must be some mechanism with the Government to inform the petitioner about her probable or estimated time within which the appointment shall crystallize. Therefore, keeping in mind the time prescribed for enforcement of the orders, the Court is inclined to direct the respondent authorities to positively make a communication to the petitioner within a period of 6(six) months to inform the petitioner about the status of her application so that she does not have to approach the Court again.

6. The petitioner shall serve a certified copy of the order before the Principal Director, Directorate of Treasuries & Accounts, Nagaland (respondent no.3) to bring the order to the notice of the said authority.

7. This writ petition stand allowed.

Sd/-
JUDGE

Comparing Assistant