

GAHC020005602023



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

Case No. : WP(C)/237/2023

AKUMTOSHI JAMIR
S/O LATE TEKANUNGSANG, KHENSA VILLAGE, MOKOKCHUNG NAGALAND

VERSUS

THE STATE OF NAGALAND AND 3 ORS
THROUGH THE CHIEF SECRETARY TO THE GOVT. OF NAGALAND

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

3:THE COMMISSIONER
OFFICE OF THE COMMISSIONER
NAGALAND KOHIMA

4:THE DEPUTY COMMISSIONER
OFFICE OF THE DEPTUTY COMMISSIONER
MOKOKCHUNG NAGALAN

Advocate for the Petitioner : SUPONGWATI WALLING

Advocate for the Respondent : Y. AJUNGLI SANGTAM, GOVT ADV NL

**BEFORE
HON'BLE MR. JUSTICE KAKHETO SEMA**

ORDER

01.07.2024

Heard Mr. Supongwati Walling, learned counsel for the

petitioner and Mr. Y. Ajungli Sangtam, learned Government Advocate for the State respondents.

2. The present writ petition has been filed by the petitioner seeking for compassionate appointment in terms of the Office Memorandum (OM) dated 17.07.2015 and the Addendum dated 09.04.2019, issued by the Government of Nagaland, Personnel & Administrative Reforms Department (Administrative Reforms Branch).

3. The petitioner's father died in harness on 16.07.2023 while serving as *Dobashi* Special Grade (District Head *Dobashi*) leaving behind his wife, one son and 2 (two) daughters. Subsequently, the petitioner submitted the application dated NIL to the Deputy Commissioner, Mokokchung, Nagaland, seeking for compassionate appointment. The said application was received and signed by Additional Deputy Commissioner, Mokokchung, on 28.08.2023. However, inspite of receiving the application for compassionate appointment no action has been taken by the State respondents till date. It is also the case of the petitioner that his educational qualification is BA(Graduate) from Nagaland University and he also holds a diploma in Information Technology. The learned counsel for the petitioner, accordingly submits that the petitioner possesses the requisite qualification and is, therefore, eligible to be considered for appointment on compassionate ground in terms of the OM dated 17.09.2015 and the Addendum dated 09.04.2019, issued by the Government.

4. Mr. Y. Ajungli Sangtam, learned Government Advocate,

referring to the affidavit-in-opposition filed by the State respondents submits that the petitioner's details for compassionate appointment is entered in the Roster Register (Records of all applicants' list/applications received for compassionate appointment under the establishment of Deputy Commissioner, Mokokchung). It is also submitted that the appointments on compassionate grounds are done/processed serial-wise (first deceased, first processed/appointed). It is further submitted that there are 3 (three) pending applications for compassionate appointment under the establishment of the Deputy Commissioner, Mokokchung, and the present petitioner is at serial No. 4 (four) in the Roster Register. The learned Government Advocate accordingly submits that the case of the petitioner for compassionate appointment will be considered as and when his turn comes and in accordance with the guidelines laid down by the Government in the OM dated 17.09.2015 and the Addendum dated 09.04.2019.

5. Mr. Supongwati Walling, learned counsel for the petitioner submits that the writ petition can be disposed on the basis of the affidavit-in-opposition filed by the State respondents, provided the State respondents strictly adhere to the Roster Register maintained by the Office of the Deputy Commissioner, Mokokchung, in which the petitioner is placed at serial No. 4 (four).

6. In the light of the submissions made by the learned counsel for the parties and on perusal of the affidavit-in-opposition filed by the State respondents, more particularly

paragraph 4 of the said affidavit, the present writ petition is disposed with the direction to the State respondents, more particularly the respondent Nos. 2, 3 and 4 to appoint the petitioner on compassionate ground according to the serial of the petitioner maintained in the Roster Register by the Office of the Deputy Commissioner, Mokokchung, and in accordance with the OM dated 17.09.2015 and the Addendum dated 09.04.2019, issued by the Government of Nagaland, P&AR Department (Administrative Reforms Branch) and as per law.

7. The writ petition stands disposed.

8. No cost.

Sd/-
JUDGE

Comparing Assistant