

GAHC020006952024

2024:GAU-NL:576



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

Case No. : WP(C)/261/2024

SMTI IMTISANGLA LONGCHARI
D/O LT. I SUNEP LONGCHARI
R/O OLD SHOWUBA VILLAGE
DIMAPUR, NAGALAND

VERSUS

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

2:THE COMMISSIONARY AND SECRETARY
DEPT. OF WORKS AND HOUSING
NAGALAND KOHIMA

3:THE ENGINEER-IN-CHIEF
NPWD
NAGALAND KOHIMA

4:THE CHIEF ENGINEER
NPWD
NAGALAND KOHIM

Advocate for the Petitioner : ASANGLA WALLING, NISUKA CHISHI

Advocate for the Respondent : GOVT ADV NL,

**BEFORE
HON'BLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

07.11.2024

Heard Mr. Nisuka Chishi, learned counsel appearing for the petitioner. Also heard Ms. Seponglemla Chang, learned Government Advocate appearing for the State respondents.

2. This Writ Petition is filed by the petitioner praying for appointment on Compassionate Scheme as per the compassionate appointment policy of the Government of Nagaland notified by Office Memorandum No. AR-8/8/78 dated 17.09.2015. It is submitted by the learned counsel for the petitioner that the mother of the petitioner, Smti. C. Tiakala expired on 02.06.2021, while she was employed under the Department of NPWD, Kohima. The mother of the petitioner was working as a UDA (Dist), MEPWD (Mech) Div-II Kohima. The learned counsel for the petitioner submits that the petitioner being the daughter of Late Smti. C. Tiakala, applied for an appointment under Compassionate Scheme as the mother of the petitioner was the sole bread-earner of the family. However, repeated applications and requests made by the petitioner has remained unattended and no steps have been taken towards appointment of the petitioner. Consequently, the petitioner is before this Court praying for appropriate writ, direction or order to the respondents to appoint the petitioner in any suitable post under the Compassionate Scheme.

3. The learned Government Advocate appearing before the Court submits

that she has no instructions in the matter and, therefore, submits that she may be permitted to obtain instructions.

4. After hearing the counsels for the parties and upon careful perusal of the Writ Petition it is seen that the prayers made in the Writ Petition are for a direction to the respondents to consider the Office Memorandum No. AR-8/8/78 dated 17.09.2015. Further prayer is to consider the petitioner for appointment on compassionate ground in any available regular vacancy as per her educational qualification.

5. Considering the limited prayer made in the Writ Petition, this Court is of the view that this Writ Petition can be disposed of at this stage since the representations have already been made by the petitioner for considering her case for being appointed under the Compassionate Scheme in any suitable post.

6. From the Writ Petition it is seen that the petitioner's mother was initially appointed in the post of Lower Divisional Assistant (District) under Nagaland Public Works Department (NPWD) by Order dated 26.04.2007. In the list of Appointees the name of the mother of the petitioner is found at serial no. 74 and she is shown to be posted in Mechanical Engineering-II (ME-II) Kohima. Subsequently, she was confirmed in the services as UDA (Dist) in Mechanical Engineering, PWD (Mech) Div-II Kohima, in which post she continued to render her services till her demise on 09.06.2024. The Death Certificate relating to the death of the petitioner's mother is enclosed as Annexure-A. The Certificate is issued by the Department of Economics and Statistics, Government of Nagaland dated

08.06.2021, which certifies that the late mother of the petitioner, Smti. C. Tiakala expired on 02.06.2021. The Writ Petition further contains the Death Certificate of the father of the petitioner, who expired on 09.06.2024 and Certificate to that effect issued by the concerned Department dated 20.06.2024 is also enclosed. The petitioner is about 25 years old and is a Graduate in Political Science from the University of Delhi. The State of Nagaland, by Office Memorandum No. AR-8/8/78 dated 17.09.2015, has notified the revised Compassionate Appointment Scheme for the State Government Employees who die in harness. Under the Scheme, it is provided that the appointment on compassionate ground shall be given to the following members namely:

- a) Spouse,
- b) Son and
- c) Daughter.

7. The appointments on the compassionate grounds made under the Scheme shall be only on regular basis to direct recruit posts and only if regular vacancies meant for that purpose are available in the Department. The Scheme provides for the procedure and as to how the applicants are to be considered and appointed under the Compassionate Appointment Scheme. The petitioner had also represented before the Engineer-in-Chief, PWD, Nagaland praying for Compassionate Appointment in the post of UDA on account of the death of her mother. The said application was submitted on 08.06.2021. The same is seen to be accepted and proper

endorsements by appropriate authorities are made recommending the appointment on humanitarian grounds. Subsequent application has been made again on 25.06.2024, which was also duly received in the Office of the Engineer-in-Chief, Nagaland, PWD, Kohima. It is the case of the petitioner that inspite of the applications made before the appropriate authorities, the authorities have not intimated as to what steps have been taken towards the prayer made by the petitioner for her appointment under the Compassionate Scheme in terms of the Office Memorandum No. AR-8/8/78 dated 17.09.2015.

8. Under such circumstances, this Court is of the view that the Writ petition can be closed at this stage without issuing notice directing the respondents, more particularly, the respondent nos. 2 and 3 to take necessary steps in the matter and to consider the applications made by the petitioner and pass appropriate orders thereon. If the petitioner is found to be eligible for being considered for appointment under the Compassionate Scheme as notified by the Government by the Office Memorandum No. AR-8/8/78 dated 17.09.2015, the competent authorities will pass necessary orders without further delay. Any orders as may be passed on these applications by the authorities, a copy thereof shall be served on the writ petitioner without fail. This direction of the Court be carried out by the respondent authorities within a period of 60 (sixty) days from today. If the authorities find that the petitioner is eligible to be considered for regular appointment under the Compassionate Scheme then consequential orders be passed without further delay.

9. Writ Petition accordingly stands disposed of.

In terms of the order above, no order as to cost.

JUDGE

Comparing Assistant