

GAHC020007202023

2024:GAU-NL:545



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

Case No. : WP(C)/319/2023

MRS. K AKALI ZHIMO
W/O LATE KIVIKA SHOHE
R/O KHEHOKHU VILLAGE
NIULAND NAGALAND

VERSUS

THE STATE OF NAGALAND AND ANR
REPRESENTED BY THE COMMISSIONER AND SECRETARY/
SECRETARY, DEPT PHED, GOVT. OF NAGALAND

2:THE CHIEF ENGINEER
PHED
NAGALAND KOHIMA

Advocate for the Petitioner : A. ZHIMOMI, ESTHER, LHOUSINO, VIKETSONO

Advocate for the Respondent : GOVT ADV NL,

BEFORE
HON'BLE MR. JUSTICE KAKHETO SEMA

JUDGMENT & ORDER (ORAL)

Date : 17-10-2024

Heard Ms. Lhousino, learned counsel for the petitioner and Mr. Ajungli Sangtam, learned Government Advocate for the State respondents.

2. The petitioner's husband died in harness on 10/05/2020 while serving as a Khalasi in the Office of the SDO, PHED, Kuhuboto Sub-Division, district-Dimapur (now Niuland). Subsequent to the death of the petitioner's husband one Mr. T. Zakalu, the brother the deceased government employee submitted the application dated 20/05/2020 for appointment on compassionate ground. However, in view of the change in the policy of the government brought out by the O.M dated 17/09/2015, that brothers of the deceased government employee, are not eligible for appointment on compassionate ground, the petitioner being the wife of the deceased government employee, submitted the application dated 09/11/2023 to the Chief Engineer, PHED, Kohima, Nagaland, for appointment to the post of Khalasi in the department on compassionate ground. However, since the application submitted by the petitioner was not considered by the department, the petitioner had filed the present writ petition.

3. In the affidavit-in-opposition filed by the Government, it has been stated that the petitioner's name is listed in Sl. No. 17 of the 'List of Application for Compassionate Appointment' which has been prepared as per chronological order in strict compliance to (P&AR Addendum No. AR-8/8/78 dated 9th April 2019) and the list is also enclosed as Annexure-A to the affidavit-in-opposition of the State respondents. The learned Government Advocate has accordingly submitted that the case of the petitioner for compassionate appointment will be considered strictly in terms of the said list and in accordance with the scheme formulated by the Government for compassionate appointment as brought out by the O.M dated 17/09/2015.

4. Ms. Lhousino, the learned counsel for the petitioner submits that the writ petition can be closed by giving a clear direction to the State respondents/department to consider the case of the petitioner for appointment on compassionate ground strictly on the basis of the 'List of the Application for Compassionate Appointment' which has been enclosed by the Government as Annexure-A to the affidavit-in-opposition and in accordance with policy formulated by the Government for compassionate appointment.

5. Upon hearing the learned counsel for the parties, this Court is of the view that, the present writ petition can be disposed with a direction to the State respondents to

consider the application dated 09/11/2023 submitted by the petitioner for appointment on compassionate ground in accordance with the 'List of Applications for Compassionate Appointment', which is filed as Annexure-A to the affidavit-in-opposition by the State respondents and in which the name of the petitioner is shown in Sl. No. 17 of the list and by strictly adhering to the O.M dated 17/09/2015 which is the Revised Compassionate Appointment Scheme for State Government Employees who die in harness.

6. Writ petition disposed.

**Sd/-
JUDGE**

Comparing Assistant