GAHC020000262025 2025:GAU-NL:568

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

Case No. : WP(C)/10/2025

SHRI HANGCHIU T
S/O LATE THANGMING
R/O KUSONH VILLAGE
NOKLAK NAGALAND

VERSUS

STATE OF NAGALAND AND 3 ORS
THROUGH THE CHIEF SECRETARY
NAGALAND KOHIMA

2:THE COMMISSIONER
NAGALAND KOHIMA

3:THE DEPUTY COMMISSIONER
NAGALAND
NOKLAK

4:THE DEPUTY COMMISSIONER
NAGALAND
TUENSANG

Advocate for the Petitioner : MOA JAMIR, SHISA JAMIR,THEJANUO METHA,T.METSIEO,R MERE,M JEMU

Advocate for the Respondent : GOVT ADV NL,

BEFORE
HON'BLE MR. JUSTICE UNNI KRISHNAN NAIR

ORDER

Date : 24-11-2025

Heard Mr. Moa Jamir, learned counsel for the petitioner and Ms. S. Chang, learned Government Advocate for the respondents.

2. By way of instituting the present application, the petitioner has prayed for a direction to the respondent authorities to consider his application for appointment on compassionate grounds.

3. The petitioner's father, Thangming, while serving as a contingency paid Dobashis, was absorbed into the regular cadre as DB Grade-II in the establishment of the Deputy Commissioner, Tuensang, Nagaland. While serving in such capacity, the father of the petitioner died in harness on 12.05.2019. The petitioner, herein, submitted an application dated 07.11.2019, along with the necessary documents for consideration of his case for appointment on compassionate grounds, upon the death of his father in harness.

4. The petitioner is a Matriculate, and as such, he is eligible for consideration of his case for appointment on compassionate ground against a post commensurating to his educational qualifications. The application submitted by the petitioner not having being processed in the manner required, and further, noticing that his name has not been enlisted within the list of candidates shortlisted for the purpose

of consideration of their respective cases for appointment on compassionate grounds, the petitioner has instituted the present writ petition.

5. At this stage, it is to be noticed that the brother of the petitioner, Shri. Suthem, had also submitted an application for appointment on compassionate grounds and the said application on being processed, came to be short listed for consideration of his claim for appointment on compassionate grounds.

6. The learned Government Advocate has submitted that the application submitted by the brother of the petitioner was subsequently withdrawn by him, with a further request to consider the case of the petitioner herein, who is his younger brother, for appointment on compassionate grounds.

7. The materials brought on record reveal that both the brothers had applied for appointment on compassionate grounds, however, none of them have been extended with an appointment under the compassionate appointment scheme holding the field. The father of the petitioner herein is found to have died in harness on 12.05.2019, and thereafter, the family through the petitioner and his brother were pursuing for appointment on compassionate ground before the respondent authorities. The brother of the petitioner having withdrawn his claim for being considered for appointment on compassionate grounds, in favour of the petitioner, it is seen at present that there is only one applicant from the family of the

deceased government employee.

8. It is a settled position of law that appointment on compassionate grounds is to be extended to the family of a deceased government servant, proximate to the time of his death so as to enable the family of the deceased government servant to fight over the financial constraints faced by them on account of death of the bread earner of the family. Accordingly, in the present case, there is a necessity for having the claim made by the petitioner considered and taken into its logical conclusion, at the earliest.

9. In view of the above discussion, the respondent authorities are directed to process the claim of the petitioner herein, strictly in accordance with the scheme for appointment on compassionate grounds holding the field, and on ascertaining the eligibility of the petitioner for being appointed on compassionate grounds, to arrive at a decision as to whether the appointment on compassionate grounds is required to be effected in respect of the petitioner, herein.

10. In the event the case of the petitioner is found to be satisfying the requirements for being extended with an appointment on compassionate grounds, the respondent authorities shall expeditiously process the matter, and appoint the petitioner on compassionate grounds, against a post commensurating to his educational qualification at the earliest, strictly in terms of the provisions of compassionate scheme holding the field in the matter.

11. In the event the respondent authorities, on processing the claim of the petitioner for appointment on compassionate grounds are of the view that the petitioner, for reasons to be assigned, is not eligible for being appointed on compassionate grounds, shall proceed to reject the claim of the petitioner. The petitioner, on rejection of his claim, shall be informed of the same, by way of issuance of a speaking order, incorporating, therein, the reasons basing on which, his such claim came to be rejected. Under such circumstances, the speaking order be issued to the petitioner, within 3 (three) months from the date of receipt of a certified copy of this order.

12. With the above observations and directions, the present writ petition stands disposed of.

JUDGE

Comparing Assistant