

GAHC020000892025

2025:GAU-NL:81



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

Case No. : WP(C)/31/2025

SMTI. SENTI PHOM
WIFE OF LATE Y. BUDEN PHOM, PERMANENT RESIDENT OF
YACHEM VILLAGE, LONGLENG, NAGALAND, MOBILE NO.
9862828545

VERSUS

THE STATE OF NAGALAND AND 2 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF NAGALAND, DEPARTMENT OF OF RURAL
DEVELOPMENT, NAGALAND, KOHIMA

2:THE COMMISSIONER AND SECRETARY
TO THE GOVERNMENT OF NAGALAND
DEPARTMENT OF PERSONNEL AND ADMINISTRATIVE REFORMS P
AND AR
KOHIMA
NAGALAND

3:THE DIRECTOR
DIRECTORATE OF RURAL DEVELOPMENT
NAGALAND
KOHIM

Advocate for the Petitioner : ALEMWAPANG AO, ARENLONG

Advocate for the Respondent : GOVT ADV NL,

**BEFORE
HON'BLE MR. JUSTICE BUDI HABUNG**

ORDER

Date : 07-03-2025

Heard Mr. Arenlong, learned counsel for the petitioner. I have also heard Mr. Ajungli Sangtam, learned Government Advocate for the State respondents.

2. By filing this petition under Article 226 of the Constitution of India, the petitioner is seeking direction to the respondent authorities to consider her case for appointment against the vacant post created by her late husband, Y. Buden Phom or any other post commensurate with her qualification on compassionate ground as per the Policy/Scheme laid down by the State Government vide OM dated 17.09.2015.

3. The case of the petitioner is that her husband, Y. Buden Phom, while serving as a regular Peon under RD Block, Longleng died in harness on 19.06.2023, leaving behind him the petitioner and two minor children. It is submitted that the petitioner's late husband was the sole bread earner of the family and the livelihood of the family was fully dependent on his earning. And his untimely demise left the family members in penury and distress, therefore, the petitioner having no other means of livelihood approached the concerned authority and submitted a representation dated 10.5.2024, along with all her necessary documents including her educational certificates to the Respondent No.3 with a request to appoint her to the post of Peon or any other suitable post in the department.

Since, the respondent did not respond to her representation, the petitioner submitted a reminder application on 10.10.2024. However, both the applications of the petitioner have not been attended to by the respondent authorities.

4. It is submitted that the State of Nagaland, Department of Personnel & Administrative Reforms (A.R. Branch) issued an OM No. AR-8/8/78 dated 17.09.2015. The said notification was further revised vide the Addendum No. AR-8/8/78 dated 09.04.2019, issued by the Department of Personnel & Administrative Reforms (Administrative Reforms Branch), Government of Nagaland. The said Office Memorandum and the addendum lays down the conditions for appointment on compassionate grounds to the spouses and children of those government servants who died in harness. This scheme provides that the appointment on compassionate ground will be applicable only to the dependents of the deceased government servant.

5. The learned petitioner's counsel further submits that the petitioner is eligible for consideration for appointment in terms of the above mentioned compassionate scheme; however, the applications submitted by the petitioner have not been attended to by the respondent authorities till date.

6. The learned counsel for the petitioner however, submits that at this stage he has a limited prayer that since the representation and the reminder application submitted by the petitioner is still pending before the respondent authorities for disposal, this writ petition may be disposed of

with a direction to the respondent authority to disposed of the same in terms of the OM dated 17.09.2015, and the Addendum dated 09.04.2019.

7. The learned counsel for the State respondents has no objection if the present writ petition is disposed of with the direction as prayed for by the learned counsel for the petitioner, however, he submits that sufficient time may be given to the respondent authorities for disposal of the representations submitted by the petitioner.

8. In view of the facts and circumstances of the case, and the limited prayer made by the learned counsel for the petitioner for disposal of the writ petition, and as agreed upon by the learned counsel for the parties, this writ petition is disposed of at the motion stage itself with a direction to the concerned authorities to examine the case of the petitioner and dispose of her representation dated 10.05.2024 and the reminder application dated 10.10.2024, for appointment of the petitioner on compassionate ground, in terms of the OM dated 17.09.2015 and the Addendum dated 09.04.2019 within the period of 3 (three) months from the date of receipt of a certified copy of this order.

9. With the above observation, this writ petition stands disposed of.

JUDGE

Comparing Assistant