

GAHC020004072024

2025:GAU-NL:184



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

Case No. : WP(C)/143/2024

SHRI RONGSENTOSHI OZUKUM
S/O LATE MAONGNUNGSANG,
R/O HOUSE NO. 330, SECTOR 3, NEW MARKET COLONY, KOHIMA ,
NAGALAND, MOBILE NO. 9089842336

VERSUS

THE STATE OF NAGALAND AND 2 ORS
REPRESENTED BY THE CHIEF SECRETARY (HOME) TO THE
GOVERNMENT OF NAGALAND, NAGALAND, KOHIMA

2:THE HOME COMMISSIONER

TO THE GOVERNMENT OF NAGALAND
NAGALAND
KOHIMA

3:THE PRINCIPAL SECRETARY (HOME)

TO THE GOVERNMENT OF NAGALAND
NAGALAND
KOHIM

Advocate for the Petitioner : WATI JAMIR, ALITO SWU,S.IMLI

Advocate for the Respondent : GOVT ADV NL,

BEFORE
HON'BLE MRS. JUSTICE YARENJUNGLA LONGKUMER

ORDER

08/05/2025

Heard learned counsel for the petitioner, Mr. Wati Jamir. Also heard Mr. Ajungli Sangtam, learned Government Advocate for the State respondents.

2. This Writ Petition has been filed by the petitioner praying for a direction to the respondent authorities to appoint the petitioner on compassionate grounds in terms of Office Memorandum No. AR-8/8/78 dated 17.09.2015.

3. Learned counsel for the petitioner, Mr. Wati Jamir submits that the petitioner's father was the sole bread earner of the family and he died in harness on 03.06.2019 while he was serving as a regular Receptionist-Cum-Telephone Operator under the Home Department, Nagaland, leaving behind 4 school going children and his wife with no other source of income. Being the son of the deceased government employee, the petitioner is eligible for appointment under the Compassionate Scheme dated 17.09.2015.

4. Immediately after the demise of his father the petitioner had applied for compassionate appointment. However, in spite of a considerable lapse of time the authorities failed to consider his case. As such the petitioner was compelled to submit another application dated 11.10.2023 for consideration of his case on compassionate ground. But the respondents have not considered the case of the petitioner till date and now it is more than 5 years since the demise

of the petitioner's father.

5. This Court vide order dated 28.04.2025 had directed the learned Government Advocate to file a detailed affidavit stating the vacancy position of Grade IV post from 2020 till date in the department and as to whether appointments have been made to the said posts and the No. of posts against which compassionate appointments have been made in terms of the O.M. dated 17.09.2015.

6. Mr. Ajungli Sangtam, learned Government Advocate appearing for the respondents No. 1, 2 and 3 has submitted that the waiting list of applicants for appointment on compassionate ground annexed in the affidavit-in-opposition of the State respondent shows that the petitioner is at Sl. 7 in the seniority list of applicants for compassionate appointment. Learned Government counsel therefore, states that the case of the petitioner can be considered for appointment on compassionate ground as and when his turns comes and as such the petitioner will have to wait for his turn. The learned Government Advocate has also produced the latest statement showing the number of Grade IV vacant posts from 2024 till date. The said statement shows that the total vacancy in Grade IV as of now is 24.

7. This Court after considering the facts and circumstances of the case and also after perusing the statement of Grade IV vacancy from 2024 till date, is of the view that the present petition can be disposed of with a direction to the State respondents to consider the

case of the petitioner. The O.M. dated 17.09.2015, provides that the ceiling for compassionate appointment of 5% of the direct recruitment vacancy in Group C and D post has been done away with, provided such appointment do not exceed 50% of the vacancy in a year.

8. This petition is therefore disposed of with a direction to the respondents No. 1, 2 and 3 to consider the application of the petitioner for appointment on compassionate ground against one of the 24 vacancies as indicated in the statement produced by the learned Government Advocate within a period of 6 (Six) months.

9. With the above directions the writ petition stands closed.

JUDGE

Comparing Assistant