GAHC020004532026

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

Case No. : WP(C)/97/2026

SHRI. LONGERNUKEN JAMIR
S/O LATE LIMAKUMBA, 5TH MILE MODEL, SUGAR MILL, CHUMOUKEDIMA, NAGALAND.

VERSUS

THE STATE OF NAGALAND AND 4 ORS
THROUGH THE COMMISSIONER AND SECRETARY, DIRECTORATE OF EMPLOYMENT, SKILL DEVELOPMENT AND ENTREPRENEURSHIP NAGALAND, KOHIMA 2:THE COMMISSIONER AND SECRETARY
LABOUR AND EMPLOYMENT
SKILL DEVELOPMENT AND ENTREPRENEURSHIP NAGALAND
KOHIMA

3:THE COMMISSIONER AND SECRETARY (P AND AR)
PERSONNEL AND ADMINISTRATIVE REFORMS DEPARTMENT
GOVT. OF NAGALAND
NAGALAND KOHIMA.

4:THE DIRECTOR
EMPLOYMENT
SKILL DEVELOPMENT AND ENTREPRENEURSHIP
NAGALAND
KOHIMA

5:THE DIRECTOR
EMPLOYMENT AND CRAFTSMAN TRAINING
NAGALAND
KOHIM

Advocate for the Petitioner : ALEMWAPANG AO, AMANDA SAILO,SHISA JAMIR,M ANYEI,Y S PHOM

Advocate for the Respondent : GOVT ADV NL,

BEFORE
HON'BLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 05.10.2026

Heard Ms. Shisa Jamir, learned counsel, appearing for the petitioner. Also heard Ms. S. Chang, learned Government Advocate, appearing for the respondents.

2. In the present writ petition, notices were issued on 11.06.2026. Thereafter, repeated opportunities were granted to the respondents on various dates for filing of affidavit. However, no affidavit being filed, this Court vide order dated 17.09.2026, had while fixing the matter today, provided that, in the event, the affidavit in opposition is not filed, the respondents shall receive instructions as to what is the present position of the petitioner in the seniority list maintained in terms of the Office Memorandum dated 17.09.2015, read with the addendum dated 09.04.2019.

2.1. Today, when the matter is listed neither an affidavit has been filed nor the written instructions has been furnished in terms of the directions passed by this Court vide the said order dated 17.09.2026. Considering the issue,

arising for adjudication in the present writ petition, and with the consent of the parties to the proceeding, the writ petition was taken up for final consideration at the admission stage and is being disposed of by the present order.

3. The petitioner in the present writ petition has prayed for a direction upon the respondent authorities to consider the application dated 08.12.2025, submitted by the petitioner for consideration of his case for appointment on compassionate grounds, in pursuance to the death of his father in harness.

4. The father of the petitioner was initially appointed as a Handyman in the Department of Food & Civil Supplies, Government of Nagaland, vide an order dated 19.03.1999. Thereafter, he was allowed to officiate as a Driver, vide an order dated 30.09.2009. While serving in the aforesaid capacity, vide an order dated 06.10.2010, the services of the father of the petitioner, along with the post held by him, was re-deployed to the Labour & Employment Department, Nagaland.

4.1. Vide an order dated 31-05-2011, issued by the Director of Employment & Craftsman Training, Nagaland,

Kohima, the father of the petitioner was posted to the Industrial Training Institute (ITI), Mokokchung. While serving in such capacity, the father of the petitioner died in harness on 01-01-2019. Thereafter, the petitioner submitted an application on 08-12-2025, along with all requisite documents, praying for consideration of his case for appointment on compassionate grounds. In the said application, the petitioner disclosed that he was a graduate in Commerce and had a Post Graduate Diploma in Computer Application.

4.2. The consideration required to be extended to the petitioner, not being so extended by the respondent authorities, for appointment on compassionate grounds, the petitioner has instituted the present writ petition.

5. Ms. Shisa Jamir, learned counsel, for the petitioner, after reiterating the facts, noticed, hereinabove, has submitted that in the consolidated Waiting List for appointment on compassionate grounds as maintained in the Department of Employment, Skill Development & Entrepreneurship, Nagaland, Kohima, in terms of the scheme for a compassionate appointment in vogue in the State, the name of the petitioner is placed at serial no.1.

5.1. Ms. Jamir, further submits that, 19 (nineteen) vacant posts, both in Group-C and Group-D, are available in the establishments under the Department of Employment, Skill Development & Entrepreneurship, Nagaland, against which the case of the petitioner, can be considered for appointment on compassionate grounds. Ms. Jamir, submits that the inclusion of the name of the petitioner in the waiting list as prepared of applicants seeking appointment on compassionate grounds, would go to reveal that the petitioner is entitled to be considered for such appointment on compassionate grounds.

5.2. Ms. Jamir, further submits that there are sufficient vacant posts available in both Group-C and Group-D categories and 50% thereof, is mandated to be filled by appointing applicants on compassionate grounds in terms of the scheme in vogue. She further submits that the delay occasioning in considering the case of the petitioner, for appointment on compassionate grounds, has caused immense financial hardship to his family.

5.3. Accordingly, in the above premises, Ms. Jamir, submits that considering the financial condition of the family of the petitioner, which has been recognized even by the

Departmental authorities, a direction be issued to the respondent authorities towards extending a consideration to the petitioner, for his appointment on compassionate grounds.

6. Ms. Chang, learned Government Advocate appearing for the State respondents, has submitted that the respondents on a scrutiny of the application submitted by the petitioner, on finding him to satisfy the requisite eligibility criteria for appointment on compassionate grounds, had included his name in the list prepared of such applicants, in the Department of Employment, Skill Development and Entrepreneurship, Nagaland. She submits that the case of the petitioner would be given its due consideration as and when a vacant sanctioned post for the purpose becomes available in terms of the provisions of the Office Memorandum dated 17/09/2015 read with the Addendum dated 09/04/2019.

7. I have heard the learned counsel for the parties and perused the material available on record.

8. It is not disputed by the respondent authorities that the petitioner, is entitled to have his case considered for appointment on compassionate grounds.

9. The scheme for appointment on compassionate grounds as notified by the Government of Nagaland vide Office Memorandum dated 16/01/2012 was subsequently revised, vide Office Memorandum dated 17/09/2015.

10. In terms of the revised scheme for appointment on compassionate grounds, such appointment shall be made to the posts falling under the combined direct recruitment quota of Group-C or Group-D posts. Further, such compassionate appointment is permissible to be effected against 50% of the vacancies in Group-C or Group-D as the case may be, arising during a year.

11. It is a settled position of law that the object of granting appointment on compassionate ground to a family member of a deceased Government servant, is to enable the family to tide over the sudden crisis occasioning on account of the premature death of the government servant. It is the immediacy of the need which furnishes the basis for the State to allow the benefit of compassionate appointment. Considering the intent and purport of formulating a scheme for effecting appointments on compassionate grounds, the appointment is to be so effected proximate to the death of

the Government servant, as delay occasioning in effecting such appointment would defeat the purpose for which such scheme is formulated.

12. Having noticed the intent and purport of a scheme for appointment on compassionate grounds, this Court would now examine the contentions raised by the parties to the proceedings. While the respondents have contended that the case of the petitioner would be considered, on a vacant sanctioned post becoming available in the establishment concerned, the petitioner has brought on materials, from which it is revealed that there are enough vacancies available for effecting appointment on compassionate grounds to persons included in the list of such applicants, prepared by the Department of Employment, Skill Development & Entrepreneurship, Nagaland.

13. A perusal of the list of vacant posts, as brought on record by the petitioner, this Court finds that there were around 19 (nineteen) posts available both of Group-C and Group-D in the establishments under the Department of Employment, Skill Development and Entrepreneurship, Nagaland. Amongst the vacant post available, this Court finds that in Group-C, there are 11 (eleven) posts available

and in Group-D there are 08 (eight) posts available.

14. Applying the provisions of the Office Memorandum dated 17.09.2015, to the facts of the present case, it is found that 50% of the available vacancies being permissible to be reckoned for effecting appointment on compassionate ground , 19 (nineteen) post being available, atleast 09 (nine) post, thereof, are required to be so filled up by accommodating eligible candidates against them on compassionate grounds.

15. The petitioner has projected that he is placed at serial no.1 of the list of candidates, who were found eligible for appointment on compassionate grounds. Accordingly, as 19 (nineteen) vacancies are currently available for appointment on compassionate grounds, the petitioner would be entitled for such an appointment, having already been shortlisted for the same. The petitioner further contends that his family is in dire need of having one of its members appointed on compassionate grounds, as the family is presently living from hand to mouth.

16. Accordingly, this Court is of the considered view that the claim made by the petitioner, in the facts and circumstances of the case, would mandate an expeditious

consideration by the respondent authorities.

17. In view of the above discussion, vacancies being available, the respondent authorities are directed to apply the provisions of the Office Memorandum dated 17.09.2015, more particularly provisions of Clause 4, thereof, to the vacancies so available and to consider the case of the petitioner for appointment on compassionate grounds against any of the posts so available in the Department of Employment, Skill Development & Entrepreneurship, Nagaland. Such consideration be extended to the petitioner within a period of 2(two) months from the date of receipt of a certified copy of this order. The decision as arrived at in the matter by the respondents upon considering the case of the petitioner for appointment on compassionate grounds be communicated to the petitioner by way of a speaking order, within the time frame set out, hereinabove.

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

Sd/-

JUDGE

Comparing Assistant