

THE HIGH COURT OF MEGHALAYA AT SHILLONG.

WP(C) NO.(SH)182/2012

Sri. Macdonald Syiem,
S/o (L) Denis Nongrum,
R/o Nongstoin,
West Khasi Hills District, Meghalaya.

:::: Petitioner

-Vs-

1. The State of Meghalaya through the Principal Secretary
Home (Police) Department,
Govt. of Meghalaya, Shillong.
2. The Director General of Police,
Govt. of Meghalaya, Shillong.
3. Inspector General of Police (AP/TRG),
O/o the Director General & Inspector General of Police,
Govt. of Meghalaya, Shillong.
4. Assistant Inspector General of Police,
O/o the Director General & Inspector General of Police,
Govt. of Meghalaya, Shillong.
5. Commandant,
4th MLP Battalion, Meghalaya Police,
Sohpian, Nongstoin,
West Khasi Hills District, Meghalaya.

:::: Respondents

BEFORE
THE HON'BLE MR JUSTICE T NANDAKUMAR SINGH

For the Petitioner	:	Mr. P Nongbri, Adv.
For the Respondents	:	Mr. S Sen Gupta, GA
Date of hearing	:	31.05.2013
Date of Judgment & Order	:	31.05.2013

JUDGMENT AND ORDER(ORAL)

Heard Mr. P Nongbri, learned counsel for the petitioner and Mr. S
Sen Gupta, learned GA appearing for the State respondents.

2. The petitioner's father Shri.Denis Nongrum, who was serving as Havildar in the 4th Police Battalion, Sohpiam, Nongstoin, West Khasi Hills District died on 04.05.2005. The petitioner's father had already rendered 20 years and 8 months in service, when he died on 04.05.2005. There is a Scheme for employment, on compassionate ground, of the husband/son/daughter/near relatives of the Govt. servant, who died while in service. Clause 2, 9 & 10 of the said Scheme for appointment on compassionate ground dated 11.12.1984 read as follows:-

**"GOVERNMENT OF MEGHALAYA
PERSONNEL & ADMV. REFORMS (B) DEPARTMENT**

NO. PER(AR)154/78/147 Dated: Shillong, the 11th December, 1984

OFFICE MEMORANDUM

Subject : *Employment on compassionate ground of the son/daughter/near relatives of the Govt. Servant who dies while in service.*

The matter regarding employment on compassionate ground of the son/daughter/near relatives of the Govt. servant who dies while in service has been engaging the attention of the Govt. for sometime past. After careful examination, Government have decided to introduce a scheme for providing employment on compassionate ground to the next of kind who may be the wife/husband/son/daughter of a Govt. servant who dies in service on the following principles :-

2. Only the wife/husband/son/daughter of the Govt. servant (hereafter called relative) who is required to support the family of the deceased will be eligible to be considered for such employment.

9. If none of the relative is eligible on grounds of age or educational qualification on the date of the death of the Govt. servant, an eligible relative who acquires the qualification within 5 years from the date of premature death of the Govt. servant may be given such employment provided that he/she is within the age limit prescribed for the post of subject to relaxation mentioned in paragraph 7 above.

10. Application in the standard forms in the Annexures, for such employment should be made to the Chief Secretary to the Govt. of Meghalaya through the Head Department/Office in which the Govt. servant was last employed. The Head of Deptt./Office should send the application with his remarks to the concerned Administrative Deptt. which will refer it to the Chief Secretary. The Application must be submitted within one

year from the date of acquiring the necessary educational qualification if none of the relative is educationally qualified at the time of such death, as the case may be.”

3. It is the case of the petitioner that the petitioner's father (L) Denis Nongrum was the sole earning member of the family. After his father died while in service, the members of the family were left in a precarious financial condition. It is the further case of the petitioner that none of the members of the family is employed in Govt. service. After his father expired, an application was filed to the respondent No.2 i.e. the Director General of Police, Govt. of Meghalaya for appointing him on compassionate ground under the said Scheme of the Govt. of Meghalaya.

4. It is stated that proper inquiry had already been conducted by the Magistrate regarding the financial position of the petitioner's family and the Deputy Commissioner, West Khasi Hills District vide his letter dated 16.01.2007, forwarded the certificate on financial position of the petitioner to the respondent No.5 i.e. the Commandant, 4th Battalion Meghalaya Police, Sohpan. In spite of completing all the necessary inquiries required for an appointment on compassionate ground, the respondents have not yet appointed the petitioner, who is eligible for appointment under the compassionate ground, to any suitable posts.

5. It is also stated that the petitioner had also appeared/attended for physical test for recruitment to the post of Constable on compassionate ground on 03.05.2011, but the result of the said test was not declared. One of the NGOs namely, Synjuk Ki Nongsynshar Shnong, Mawait Area through its Adviser filed an application dated 26.04.2012 under the Right to Information Act, 2005 seeking information as to the list of candidates/participants who attended the screening and physical test held on 03.05.2011. The respondent No.3 vide letter dated

14.06.2012, furnished the list of the candidates/participants for the posts of Constables along with the marks secured by every candidates on the basis of the screening and physical test held on 03.05.2011. The name of the petitioner appeared at Srl.No.17 of the Select List.

6. The petitioner, being aggrieved by the delay in consideration of his case for appointment under the compassionate ground, filed this writ petition for a direction to the respondents to consider the case of the petitioner for appointment under the compassionate ground within a stipulated period.

7. As stated above, the petitioner is eligible for appointment under the compassionate ground after his father died while in service on 04.05.2005. The respondents did not file their affidavit-in-opposition in the present writ petition. Therefore, it appears that the respondents are not disputing the eligibility of the petitioner for appointment on compassionate ground.

8. For the foregoing reasons, this writ petition is disposed of by directing the respondent No.2 i.e. the Director General of Police, Govt. of Meghalaya, Shillong to consider the case of the petitioner for appointment on compassionate ground under the said Scheme of the Govt. of Meghalaya as expeditiously as possible but not later than 4(four) months from the date of receipt of a certified copy of this judgment and order. The petitioner is directed to approach the respondent No.2 with a certified copy of this judgment and order within two weeks' from today.

9. With the above observations and directions, this writ petition is allowed.

JUDGE

LAM