

THE HIGH COURT OF MEGHALAYA AT SHILLONG.

WP(C)[SH] No. 234 of 2013

Ms. Aneesha Khiangte
D/O/ (L) Ramfangzauvin Khiangte
R/O Lumshiap, Upper Golf Link
Pdeng Shnong, Shillong – 1.
Dist: East Khasi Hills, Meghalaya.

....Petitioner

-VERSUS-

1. State of Meghalaya, represented by the
Chief Secretary to the Govt. of Meghalaya,
Shillong.
2. The Director General & Inspector
General of Police, Meghalaya, Shillong.
3. The Secretary to the Govt. of Meghalaya
Home (Police) Department, Meghalaya,
Shillong.
4. The Secretary to the Govt. of Meghalaya
Personnel and Administrative Reform (B) Department,
Meghalaya, Shillong.
5. The Inspector General of Police
(AP/TRG) cum Special Selection Board
(SSB), Meghalaya, Shillong.
6. The Special Superintendent of Police
(C) MPRO, Meghalaya, Shillong.

...Respondents

**BEFORE
THE HON'BLE MR JUSTICE T NANDAKUMAR SINGH
CHIEF JUSTICE (ACTING)**

For the petitioner	:	A.H.Hazarika, Adv.
	:	J. Lalsangliana, Adv
For the respondents	:	N.D.Chullai, Sr. GA.
	:	K.P.Bhattacharjee, GA
Date of hearing	:	29-8-2013
Date of Judgment and Order	:	29-8-2013

JUDGMENT AND ORDER (ORAL)

Heard Mr. J. Lalsangliana, learned counsel appearing for the petitioner as well as Mr. K.P.Bhattacharjee, learned Govt. Advocate appearing for the respondents.

2. The order of this court dated 14-8-2013 passed in the present writ petition clearly speaks that “Mr.H. Kharmih, learned Govt. Advocate appearing for the State respondents is directed to take instructions as to why the matter for appointment of the petitioner on compassionate ground is pending for a considerable number of months, within 2(two) weeks.” The earlier order of this court dated 14-8-2013 also speaks that the “learned counsel appearing for the petitioner contended that the present writ petition is squarely covered by the common judgment and order of this court dated 31-7-2013 passed in WP(C) No. (SH) 278/2012.”

3. It appears from the records and also from the submissions of the learned counsels appearing for the parties that the Govt. of Meghalaya issued an office memorandum being No. CR (AR) 154/78/147, dated Shillong the 11th December, 1984 regarding employment on compassionate ground of the son/daughter/near relatives of the Govt. servant who died in harness.

4. The Late Ramfangzauvin Khiangte, while she was working as L.D. Assistant under the Meghalaya Police Radio Organisation (in short ‘MPRO’), Shillong, expired on 11-4-2008 leaving behind the present petitioner and her brother and sister in a very bad financial condition without any means of sustenance or any other source of income. It is also stated in the present writ petition that Late Ramfangzauvin Khiangte is the sole earning member of the family.

5. The petitioner who is the eldest daughter of Late Ramfangzauvin Khiangte is a graduate (B.A). Petitioner is qualified for appointment to the post of Grade-III/LDA Post. She also submitted an application dated 14-1-2009 for appointment on compassionate ground under the said office memorandum along with necessary School and College Certificates, Scheduled Tribe Certificate and other related documents required for appointment on compassionate ground to the respondent No. 6 i.e. Special Superintendent of Police (C), Meghalaya, Shillong. It is stated that respondent No.6 had also recommended the case of the petitioner to the

concerned authorities. The Under Secretary to the Govt. of Meghalaya also under letter dated 15-7-2011 requested the Director General and Inspector of Police, Meghalaya, Shillong to submit, positively, all the application pending for appointment on compassionate ground arising upto 24-11-2010 along with all the necessary documents by 20-7-2011

6. Vide Notification No. PER (AR) 62/2009/54, dated Shillong 2-12-2010 the scheme for appointment on compassionate ground had been abolished w.e.f. 24.11.2010. The said notification dated 2-12-2010 indicates that the pending proposals including those arising upto 24-11-2010 will be examined on merit by the Government. It is clear from the records that the case of the petitioner for appointment on compassionate ground is pending since long before the abolition of the scheme for appointment on compassionate ground by the said notification dated 2-12-2010. For easy reference, the said notification dated 2-12-2010 is quoted hereunder:

“GOVERNMENT OF MEGHALAYA
ORDERS BY THE GOVERNOR.

N O T I F I C A T I O N

Dated Shillong, the 2nd December, 2010.

PER(AR)62/2009/54: In pursuance of the recommendation of the 4th Meghalaya Pay Commission, the Government has decided that the ***Scheme for Employment on Compassionate Ground as provided under this Department's O.M. No.PER(AR)154/78/147, dated 11.12.1984 stands abolished with effect from 24th November, 2010.*** Only pending proposals including those arising upto 24.11.2010 will be examined on merit by the Government.

Sd/-
Smti.L Lyngdoh,
Secretary to the Govt. of Meghalaya,
Personnel and Admv. Reforms (B) Department.”

7. In the above factual backdrop, this writ petition is disposed of by directing the respondents to consider the case of the petitioner for

appointment on compassionate ground as early as possible but not later than 6(six) months from the date of receipt of a certified copy of this judgment and order.

8. With the above observations, this writ petition is allowed.

CHIEF JUSTICE (ACTING)

S.Rynjah