



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

**Case No. : COP(C) 4/2020**

1:TIARENLA  
W/O LT. LIMATOSHI,  
R/O ALEMPANG WARD MOKOKCHUNG, NAGALAND

VERSUS

1:ALAN GONMELIAS AND 2 ORS  
COMMISSIONER AND SECRETARY, VETERINARY AND ANIMAL  
HUSBANDRY DEPT., NAGALAND, KOHIMA

2:DR. TEMSUMEREN  
DIRECTOR  
A.H. AND VETERINARY SERVICE  
NAGALAND  
KOHIMA

3:THE CHIEF VETERINARY OFFICER  
MOKOKCHUNG  
NAGALAN

**Advocate for the Petitioner : ANUNGLA LKR**

**Advocate for the Respondent : V. ZHIMOMI**

**BEFORE**  
**HON'BLE MR. JUSTICE NANI TAGIA**

**ORDER**

**Date : 30-06-2020**

The Court proceedings have been conducted by means of creating a Virtual Court with the help of technology so as to maintain distance between the Advocates, the Staffs and the presiding Judge.

2. Heard Ms. Renboni, learned counsel for the petitioner. Also heard Mr. V. Zhimomi, learned counsel for the respondent No. 1 and Mr. Moa Imchen, learned counsel for the respondent Nos. 2 & 3.

3. This contempt petition has been initiated by the petitioner for violation and non-compliance of the order dated 19.07.2019, passed by this Court in WP(C) No. 100(K)/2019, wherein, respondents were directed to consider the appointment of the petitioner to any suitable Government job as per the scheme provided in the O.M. dated 17.09.2015, within a period of 3 (three) months from the date of receipt of a certified copy of the order.

4. Mr. Moa Imchen, learned counsel for the respondent Nos. 2 & 3, has produced before this Court a written instruction given to him by the respondent No. 2, the Director, Animal Husbandry & Veterinary Services, dated 22.06.2020, vide No. VET/LEGAL-1/2020-21/6306, wherein, it has been stated that the Department will consider the appointment of the petitioner on compassionate ground against the vacancy of Smti. Neizokhono (Chowkidar), who would be retiring on 30.09.2020. However, the Department has also pointed out that there is a standing Order of State Government, issued by the Chief Secretary to the Government of Nagaland, vide O.M. No. AR-5/ASSO/98 (Pt-II), dated Kohima, the 22<sup>nd</sup> April 2020, whereby, all fresh appointments including vacancies arising against sanctioned posts in all Government Departments have been banned. Accordingly, the Department, in the written instruction, has also stated that the Department will process the appointment of the petitioner after the said O.M. dated 22.04.2020 is lifted/modified by the Government.

5. Ms. Renboni, learned counsel for the petitioner, submits that the petitioner would have no objection if the petitioner is appointed by the Department on compassionate ground against the vacancy to be caused on the retirement of Smti. Neizokhono (Chowkidar) on 30.09.2020.

6. Mr. Moa Imchen, learned counsel for the respondent Nos. 2 & 3, submits that the Department is ready and willing to process on file the case of the petitioner for appointment on compassionate ground against the vacancy to be caused on retirement of Smti. Neizokhono (Chowkidar) on 30.09.2020. However, the Department apprehends that the O.M. dated 22.04.2020, issued by the Chief Secretary to the Government of Nagaland, vide No. AR-5/ASSO/98 (Pt-II), referred to hereinabove, might come in the way of petitioner being pointed on compassionate ground against the vacancy to be caused by Smti. Neizokhono (Chowkidar), who would be retiring on 30.09.2020, inasmuch as it is not known when the O.M. dated 22.04.2020, referred to hereinabove, would be lifted/modified by the Government.

7. Having heard the learned counsel for the parties and on consideration of the materials placed before this Court, I am of the view that ends of justice would be met, if this Contempt Petition is closed with a direction to the respondents to process the case of the petitioner for appointment on compassionate ground against the vacancy to be caused on retirement of Smti. Neizokhono (Chowkidar), on file, well in advance so that the process is concluded as soon as Smti. Neizokhono (Chowkidar) retires on 30.09.2020.

It is ordered accordingly.

8. The O.M. dated 22.04.2020, referred to hereinabove, appears to have been issued as an austerity measure

in the State, in view of the Covid-19 pandemic, thereby putting a ban on fresh appointments including vacancies arising against the sanctioned posts in all Government Departments. However, exceptions have been made in the O.M. dated 22.04.2020 in the case of medical staff (Doctors, Nurses, Technicians, Para-medics) of Health & Family Welfare Department. Similarly, since the case of the petitioner for appointment on compassionate ground would be processed on file in terms of the direction given by this Court in WP(C) No. 100(K)/2019, vide order dated 19.07.2019, such an exception can also be made in the case of the petitioner like it has been made in the case of the medical staffs. In other words, the O.M. dated 22.04.2020, issued by the Chief Secretary to the Government of Nagaland, vide No. AR-5/ASSO/98 (Pt-II), shall not come in the way of the petitioner being considered for appointment on compassionate ground against the vacancy of Smti. Neizokhono (Chowkidar), who would be retiring on 30.09.2020, as indicated in the written instruction produced by Mr. Moa Imchen, learned counsel for the respondent Nos. 2 & 3, dated 22.06.2020, vide No. VET/LEGAL-1/2020-21/6306, written by the respondent No. 2, the Director, Animal Husbandry & Veterinary Services.

9. Letter dated 22.06.2020, written by the respondent No. 2, the Director, Animal Husbandry & Veterinary Services, vide No. VET/LEGAL-1/2020-21/6306, and also the O.M. dated 22.04.2020, issued by the Chief Secretary to the Government of Nagaland, vide No. AR-5/ASSO/98 (Pt-II), produced by Mr. Moa Imchen, learned counsel for the respondent Nos. 2 & 3, is retained on record which shall form a part of the record.

10. With the above observation, the contempt petition stands closed.

Sd/-  
**JUDGE**

**Comparing Assistant**