



Serial No. 24
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 401 of 2024

Date of Decision: 06.02.2026

Smti Ibadapdianghunshisha Mawsor,
D/o (L) Lowendro Diengdoh,
R/o Nongpyndeng, Nongstoin,
West Khasi Hills District, Meghalaya

.... **Petitioner(s)**

Versus

1. The State of Meghalaya represented by
The Chief Secretary, Government of Meghalaya,
Shillong.

2. The Joint Secretary to the Government of Meghalaya,
Soil and Water Conservation Department, Shillong.

3. The Director of Soil and Water Conservation,
Meghalaya, Shillong

4. The Deputy Commissioner,
West Khasi Hills District, Nongstoin

... **Respondent(s)**

Coram:

Hon'ble Mr. Justice H. S. Thangkhiew, Judge

Appearance:

For the Petitioner(s) : Mr. A. Pakyntein, Adv.

For the Respondent(s) : Mr. S. Sen, GA with
Ms. I. Lyngwa, GA



i)	Whether approved for reporting in Law journals etc:	Yes/No
ii)	Whether approved for publication in press:	Yes/No

JUDGMENT AND ORDER (ORAL)

1. The petitioner is before this Court with a prayer for consideration of appointment on compassionate ground to the post of LDA, in the office of the respondent No. 4.

2. Mr. A. Pakyntein, learned counsel for the petitioner has submitted that the petitioner is the daughter of one (Late) Lowendro Diengdoh, who died in harness on 07.04.2008, and that after the death of her father, as the Scheme for compassionate appointment was still in place, the petitioner had applied for appointment on compassionate ground and had also furnished a financial certificate indicating the economic condition of the petitioner. Thereafter, he submits the respondent No. 4, offered appointment to the writ petitioner on officiating basis against the post of LDA-cum-Typist, and on being appointed by order dated 05.05.2014, continued as such till 31.05.2025, though with gaps in the service.



3. The learned counsel further submits that in a similar case, the State respondents had considered and approved the case of one Alvarinea Nongsiej for appointment on compassionate ground, whereby she was appointed vide order dated 31.08.2023, but however the case of the petitioner was rejected by order dated 21.08.2024. He therefore, prays that as the application for compassionate appointment was made when the Scheme was still in place before its discontinuance in 2010, and she being eligible in all respects be afforded the same consideration for appointment on compassionate ground.

4. Mr. S. Sen, learned GA for the State respondents in reply has submitted that the main reason for non-consideration of the case of the petitioner for appointment on compassionate ground is that at the time when the father of the petitioner expired, her mother Smti Elbon Mawsor was working as UDA in the office of the respondent No. 4, (Housing Branch), and retired in the year 2016. It is further submitted that the mother of the petitioner is in receipt of family pension and therefore, the family was not facing any acute financial distress to warrant grant of compassionate appointment to the writ petitioner. With regard to the contention of the writ petitioner that in a similar case, compassionate appointment had been afforded, the learned GA submits that the case is an aberration and the petitioner cannot claim negative equality.



5. On another limb of submission that the service of the petitioner had been discontinued due the filing of instant writ petition, the learned GA submits that the same is not correct, inasmuch as, the writ petition was filed in the year 2024, whereas the petitioner was discontinued from service on 31.05.2025. In conclusion the learned GA reiterated his submission that compassionate appointment was not granted for the reason that her mother was in gainful employment and that there was no acute financial distress.

6. This Court on hearing the learned counsel for the parties, firstly is to examine the Scheme that was prevalent at that the time when the application was made by the writ petitioner, which is contained in the Office Memorandum dated 11.12.1984. The Scheme it can be seen applies only to near relatives/son/daughter of a government servant who die while in service, and an important consideration is the educational qualifications of the applicant and the financial circumstances of the family, which have to be examined for grant of such employment and the same should be not a matter of course. It is further provided in the OM itself that every case of employment on compassionate ground would be considered on its own merits and in the light of the principles governing compassionate appointment. The Scheme of compassionate appointment was thereafter discontinued vide Notification dated 02.12.2010, and as such the Scheme



would be applicable only to persons who have made application during the pendency of the said Scheme.

7. In the instant case, the petitioner had applied immediately on the death of her father in 2008, and if the condition of eligibility had been fulfilled at that point of time, there should have been no reason to deny her appointment on compassionate ground, but however, due to the aforesaid reasons, her application stood rejected. This Court also notes that at that point of time the mother of the petitioner was still in gainful employment, being employed in the office of the respondent No. 4, itself and had continued till 01.01.2016. The application for compassionate appointment it is seen stood rejected vide letter dated 15.05.2012, and the writ petitioner had then made a fresh application on 07.05.2018, and had placed on record the fact that her mother had since retired and that the family was facing economic distress.

8. This Court while considering the entire circumstances of the case has first observed that compassionate appointment is a Scheme which was envisaged or formulated to help persons who fall into distress on the demise of the breadwinner of a family. The Scheme therefore, is specifically to address an emergent situation so that family members are not left destitute. In the instant case, the rejection of the application of the petitioner cannot be said to be arbitrary or irregular, inasmuch as, at that



point of time her mother was in gainful employment. It is also noted that the petitioner had also been afforded appointment from 2014 till 2025, and on the post being advertised, had applied for the same.

9. Without further dwelling into the facts, in the considered view of this Court, there is no illegality or arbitrariness on the part of the respondents in denying appointment on compassionate ground to the petitioner. However, as it has been stated that she had been favoured with contractual/temporary appointment which has however been discontinued, perhaps the respondents may explore the possibility of re-engaging the petitioner to help her overcome financial difficulties.

10. Accordingly, in the facts and circumstances of the case and as discussed above, this writ petition is closed and disposed of.

JUDGE

Meghalaya
06.02.2026
"V. Lyndem-PS"