

GAHC020000062023



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

Case No. : WP(C) 4/2023

1:MR. KENYUSING SEB
WORK CHARGE SECTIONAL ASSISTANT, PWD(NH) DIVISION -I,
KOHIMA, PERMANENT R/O TESOPHENYU VILLAGE,
DISTRICT - TSEMINYU, NAGALAND

VERSUS

1:THE STATE OF NAGALAND AND 3 ORS
REPRESENTED BY THE CHIEF SECRETARY,
GOVERNMENT OF NAGALAND, NAGALAND, KOHIMA

2:THE COMMISSIONER AND SECRETARY
TO THE GOVERNMENT OF NAGALAND
NAGALAND PUBLIC WORKS DEPARTMENT(NH)
NAGALAND
KOHIMA

3:THE CHIEF ENGINEER
NAGALAND PUBLIC WORKS DEPARTMENT(NH)
NAGALAND
KOHIMA

4:THE EXECUTIVE ENGINEER
PUBLIC WORKS DEPARTMENT(NH)
DIVISION - I
KOHIMA
NAGALAND

Advocate for the Petitioner : L LIKHASE SANGTAM

Advocate for the Respondent : GOVT ADV NL

**BEFORE
HON'BLE MR. JUSTICE SONGKHUPCHUNG SERTO**

ORDER

Date : 19-01-2023

Heard Ms. Atila Pongen, learned counsel appearing for the petitioner and also heard Mr. Moa Imchen, learned Senior Government Advocate appearing for the State respondents.

2. The petitioner is before this Court claiming regularization of his service as per the scheme provided in the Government Office Memorandum No. AR-3/GEN-201/2009 dated 17.03.2015.

3. It is submitted by the learned counsel of the petitioner that the petitioner was appointed as Work-charged Sectional Assistant by an order dated 14.10.1988, for a period of six months w.e.f. the date of his joining, with scale of pay and all other allowances admissible from time to time and, has remained in service for more than thirty-three years. Therefore, he submitted a representation dated NIL to the Executive Engineer, PWD (NH), Kohima (respondent No. 4), requesting for regularization of his service as per the scheme provided in the OM mentioned above. And on receipt of the same, the Executive Engineer forwarded it to the Engineer-in-Chief, PWD, Nagaland, with a forwarding letter dated 26.04.2021. But the Chief Engineer who is the respondent No. 3, has failed to consider his application and regularize his service as per the scheme provided in the OM, therefore, he is here before this Court praying for issuance of appropriate writ

or order or direction directing the respondents to regularize his service from the date of completion of 30 years of continuous service so that he may be able to enjoy the benefits of a regular Government servant including pensionary benefits.

4. Mr. Moa Imchen, learned Senior Counsel is in agreement with the submission of the learned counsel but submits that there is a process for regularization of Work-charged employees and the same must be followed.

5. It appears from the appointment order of the petitioner dated 14.10.1988, issued by the Executive Engineer, North Division, Tseminyu, that the petitioner was appointed as Work-charged Sectional Assistant for a period of six months with scale of pay and all other allowances admissible as per rules from time to time. Further, it also appears from the forwarding letter of the Executive Engineer, PWD (NH), Division-I, Kohima dated 26.04.2021, addressed to the Engineer-in-Chief, NPWD, Nagaland, that the petitioner has continuously worked as Work-Charged Sectional Assistant with scale of pay for more than thirty years. Therefore, as per the scheme given in the OM dated 17.03.2015, which provides for regularization of casual employees who were appointed with scale of pay and continued in service for thirty years or more, the petitioner has the right to claim for regularization of his service w.e.f. the date on which he completed thirty years of service. As such, the respondents are hereby directed to regularize his service w.e.f. the date on which he completed thirty years of service. However, as submitted by the learned Senior Government Advocate, such regularization will have to go through a

process. Therefore, the respondents are given a period of four months to complete such process from the date of receipt of a copy of this order.

The writ petition stands disposed.

Sd/-
JUDGE

Comparing Assistant