

GAHC020000132017



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

Case No. : WP(C)/62/2017

THSAPONGLA SANGTAM
W/C JUGALI,EXECUTIVE ENGINEER PWD(H),ENGINEERING
DIVISION,KOHIMA

VERSUS

STATE OF NAGALAND AND 5 ORS.
KOHIMA

2:COMMISSIONER AND SECRETARY
HEALTH AND FAMILY WELFARE
NAGALAND KOHIMA

3:COMMISSIONER AND SECRETARY
WORKS AND HOUSING DEPT
NAGALAND KOHIMA

4:CHIEF ENGINEER IN CHIEF NAGALAND
NPWD,N/L,KOHIMA

5) DIRECTOR HEALTH AND FAMILY WELFARE NAGALAND
KOHIMA

6:EXECUTIVE ENGINEER
PWD(HOUSING)
MEDICAL ENGINEERING DIVISION
KOHIMA

Advocate for the Petitioner : MOAJUNGLA

Advocate for the Respondent : GOVT ADV NL

**BEFORE
HON'BLE MR. JUSTICE KAKHETO SEMA**

ORDER

Date : 17-10-2023

Heard Ms. Moajungla, the learned counsel for the petitioner and Ms. S. Mere, the learned Senior Government Advocate for the State respondents.

2. The petitioner was appointed as a Work-charged *Jugali* by the Order dated 20.09.1993 issued by the Director of Medical Services, Nagaland, Kohima. The appointment was purely on temporary basis terminable without assigning any reasons. Thereafter, by the Order dated 27.08.2013 passed by the Engineer-in-Chief, NPWD, Nagaland, Kohima, the petitioner's service as Work-charged *Jugali* was absorbed into the regular cadre against sanctioned post and posted under the establishment of the Executive Engineer, PWD (H), Medical Engineering Division, Kohima. However, by the Order dated 31.08.2015, issued by the Engineer-in-Chief, NPWD, Nagaland, Kohima, the Order dated 27.08.2013 regularizing the service of the petitioner was cancelled with immediate effect by observing that the regularization of the service of the petitioner was not done in conformity with the prevailing rules. The petitioner has accordingly filed the present writ petition for quashing and setting aside the Order dated 31.08.2015 and for retaining the Order dated 27.08.2013 by which the petitioner was absorbed/regularized in service.

3. In the course of hearing the case, Ms. S. Mere, the learned Senior Government Advocate has placed a copy of the Letter dated 09.10.2023 written by the Principal Director, Health & Family Welfare, Nagaland, Kohima, and the Seniority/Incumbency List of Work-charged Staff. By referring to the Letter, Ms. S. Mere, submits that the name of the petitioner appears at serial No. 15 of the Seniority List and the case of the petitioner will be considered for regularization as and when her

turn comes and as per the policy laid down by the Government in the Office Memorandum (OM) dated 17.05.2015.

4. Ms. Moajungla, the learned counsel for the petitioner submits that the writ petition may be closed in terms of the Letter dated 09.10.2023, placed by the learned Senior Government Advocate with a further direction to regularize the service of the petitioner within a timeframe.

5. This Court has perused the Letter dated 09.10.2023 and also the Seniority List of Work-charged Staff under the Medical Department as on 31.03.2023. This Court, considering the submission of the learned Senior Government Advocate that the case of the petitioner will be considered for regularization as per her Seniority and in terms of the OM dated 17.03.2015 is of the considered view that keeping the writ petition pending will not serve any purpose.

6. Accordingly, the writ petition is disposed of with the direction to the State respondents to consider the regularization of the service of the petitioner in terms of her standing in the Seniority List and as per the OM dated 17.03.2015.

7. The State respondents shall make an endeavour to consider the regularization of the service of the petitioner as expeditiously as possible.

8. The Letter dated 09.10.2023 shall be kept in the record.

9. Writ petition stands disposed of.

Sd/-
JUDGE

Comparing Assistant