

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

**Case No. : WP(C)/12/2023**

1:SHRI. Y. YANKIU YIMCHUNGER  
AGED ABOUT 50 YEARS,  
WORK-CHARGED SECTIONAL ASSISTANT,  
PWD(R AND B), TUENSANG DIVISION,  
TUENSANG, NAGALAND

VERSUS

THE STATE OF NAGALAND AND 3 ORS  
THROUGH THE PRINCIPAL SECRETARY,  
WORKS AND HOUSING DEPARTMENT,  
NAGALAND, KOHIMA

2:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF  
NAGALAND  
DEPARTMENT OF PERSONNEL AND ADMINISTRATIVE REFORMS  
NAGALAND  
KOHIMA

3:THE FINANCE COMMISSIONER  
FINANCE DEPARTMENT  
NAGALAND  
KOHIMA

4:THE CHIEF ENGINEER  
PWD(R AND B)  
NAGALAND  
KOHIMA

**Advocate for the Petitioner** : MOA JAMIR

**Advocate for the Respondent** : GOVT ADV NL

**BEFORE  
HON'BLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

**ORDER**

**05.12.2023**

- 1.** Heard Mr. Moa Jamir, learned counsel for the petitioner. Also heard Ms. Livika, learned Government Advocate for the State Page No.# 2/4 respondents.
- 2.** The petitioner claims regularisation of his service, in terms of the O.M. dated 17.03.2015, on the ground that he has all the requisite requirements enumerated in the above O.M for regularisation.
- 3.** The petitioner's case in brief is that the petitioner was appointed as a skilled labour on 13.11.1992 and thereafter appointed as a Work Charged Jugali. Subsequently, vide order dated 28.06.2013 the petitioner was promoted to the post of Sectional Assistant. It is the case of the petitioner that he has been serving the department for the last 30 years and is having all the requirements for regularization of his service thereto, in terms of the O.M. dated 17.03.2015. It is the further case of the petitioner that he has submitted a representation dated 03.03.2022 to the respondent no.4 for regularisation of his service. However, the said representation has not been decided by the respondent no.4 till date.
- 4.** The learned counsel for the petitioner submits that this writ petition can be disposed of, if a direction is issued to the respondent no.4, to take a decision on the petitioner's representation dated 03.03.2022 within a specified time period (Annexure-F of the writ petition).
- 5.** Ms. Livika, learned Government Advocate for all the Page No.# 3/4 respondents submits that she has not received any instructions and accordingly prays for adjournment of the case.
- 6.** I have heard the learned counsels for the parties.
- 7.** As the prayer of the petitioner only pertains to consideration of his case for regularisation, by issuing a direction to the respondent no.4 to consider the petitioner's representation dated 03.03.2022, this Court is of the view that this writ petition can be disposed of at the motion stage itself and as such, the prayer for adjournment is denied.
- 8.** The only issue to be decided by the respondent no.4 in relation to the

petitioner's representation dated 03.03.2022 for regularisation of his service, is as to whether the petitioner has got all the requirements for regularising his service, in terms of the O.M. dated 17.03.2015. Accordingly, the respondent no.4 is directed to take a decision on the petitioner's representation dated 03.03.2022 by taking into account the O.M. dated 17.03.2015. The decision to be taken by the respondent no.4 with regard to whether the petitioner is eligible to be regularised in terms of O.M. Dated 17.03.2015, should be done within a period of 2 (two) months from the date of receipt of a certified copy of this order. The decision taken by the respondent no.4 with regard to whether the petitioner's service can be regularised or otherwise, in terms of O.M. dated 17.03.2015, should be communicated to the petitioner. The decision to be taken by the respondent no.4 on the petitioner's Page No.# 4/4 representation dated 03.03.2022 should be passed by way of a speaking order. It is needless to add that if the petitioner is found to be eligible for regularisation of his service, the same should be done.

**9.** The writ petition is accordingly disposed of.

Sd/-

**JUDGE**

**Comparing Assistant**