

GAHC020001352023



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

Case No. : WA/4/2023

SMTI. YIZANO PEON(REGULAR), OFFICE OF THE EXTRA ASSISTANT
COMMISSIONER, AQHUNAGA, DIMAPUR,NAGALAND

VERSUS

THE STATE OF NAGALAND AND 8 ORS THROUGH THE CHIEF SECRETARY TO
THE GOVERNMENT OF NAGALAND, KOHIMA

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

3:THE PRINCIPAL SECRETARY HOME DEPARTMENT NAGALAND KOHIMA

4:THE FINANCIAL COMMISSIONER NAGALAND KOHIMA

5:THE COMMISSIONER NAGALAND KOHIMA

6:THE DEPUTY COMMISSIONER DIMAPUR NAGALAND

7:THE ADDITIONAL DEPUTY COMMISSIONER NUILAND DIMAPUR

8:THE EXTRA ASSISTANT COMMISSIONER AQHUNAGA NAGALAND

9:THE ACCOUNTANT GENERAL KOHIMA NAGALAN

Advocate for the Petitioner : I. IMTI LONGCHAR

Advocate for the Respondent : GOVT ADV NL

BEFORE
HON'BLE MR. JUSTICE MANISH CHOUDHURY
HON'BLE MR. JUSTICE BUDI HABUNG

ORDER

15.11.2023

[*Manish Choudhury, J.*]

Heard Ms. Opongnenla Longchon, learned counsel appearing for the appellant and Mr. E. Thiba Phom, learned State Counsel for the respondents.

2. The appellant as the writ petitioner, had preferred a writ petition, W.P.[C] no. 169/2019 seeking *inter alia* a direction for payment of regular scale of pay and consequential benefits retrospectively w.e.f. 04.07.2011. Aggrieved by the judgment and order dated 14.02.2023 passed in the writ petition, W.P.[C] no. 169/2019, the instant intra-court appeal has been preferred by the said writ petitioner as the writ appellant. In the writ appeal, a prayer has been made seeking a direction for grant of regular pay scale salary and all other allowances along with consequential benefits w.e.f. 04.07.2011.

3. Mr. Thiba Phom, learned State Counsel has placed a copy of a Communication bearing no. FIN/ESTT-1/88/COURT/19 dated 02.06.2023 of the Additional Secretary to the Government of Nagaland, Finance Department, addressed to the Home Commissioner, Nagaland, Kohima before this Court. By placing the same, Mr. Thiba Phom has submitted that since the service of the writ appellant - writ petitioner has been reinstated with retrospective effect, the State Government has taken a decision that the writ appellant – writ petitioner is entitled to salary of the relevant period on and from 04.07.2011.

4. In the Communication bearing no. FIN/ESTT-1/88/COURT/19 dated 02.06.2023, it is mentioned that since the service of the writ appellant – writ petitioner has been reinstated with retrospective effect, the appellant – writ

petitioner will be entitled to salary of the relevant period from 04.07.2011 and the Home Commissioner, Nagaland has been directed to take necessary action in the matter accordingly.

5. Ms. Longchon, learned counsel for the writ appellant - writ petitioner has submitted that since a decision has been taken in the manner mentioned in the Communication dated 02.06.2023, the grievance of the writ appellant – writ petitioner appears to have been effectively redressed. She has, thus, submitted that the writ appeal can be closed, however, reserving the liberty to the writ appellant – writ petitioner to approach again in the event of any subsequent cause of action in connection with the issue raised in the writ petition / writ appeal.

6. In view of the above submission made by the learned counsel for the appellant, the writ appeal is closed, reserving the liberty to the writ appellant – writ petitioner, as sought for.

Sd/-

JUDGE

JUDGE

Comparing Assistant