



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

Case No. : COP(C)/18/2021

MRS. LONGNGOI
W/V JUGALI E.E PWD (H),
TUENSANG DIV.,
TUENSANG, NAGALAND

VERSUS

SHRI J. ALAM IAS AND 4 ORS
THE CHIEF SECRETARY TO THE GOVT. OF NAGALAND, KOHIMA

2:SHRI MENUKHOL JOHN
THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF NAGALAND,
WORKS AND HOUSING,
NAGALAND, KOHIMA

3: ER. LIMANARO,
ENGINEER-IN-CHIEF, NPWD,
NAGAALND, KOHIMA

4: ER. TIAMONGBA,
E.E, PWD (H),
TUENSANG,
NAGALAND

5: SHRI R. RAMAKRISHNAN IAS,
THE PRINCIPAL SECRETARY TO THE GOVT. OF NAGALAND,
PERSONNEL AND ADMINISTRATIVE REFORM,
NAGALAND, KOHIMA

Advocate for the Petitioner : M. ATHAI

Advocate for the Respondent :

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

ORDER

Date : 13-06-2023

Heard Mr. Hisinlo Himb, learned counsel for the petitioner as well as Ms. V. Suokhrie, learned Additional A.G., Nagaland, for all the respondents.

This contempt petition has been filed for willful and deliberate violation of the order dated 09.12.2020 passed by this Court in WP(C) No. 197/2020. The operative portion of the order dated 09.12.2020 reads as follows:-

"Considering the submissions of both the learned counsels and the facts and circumstances of the case and also the contents of the OM, it is quite clear that the petitioner is entitled to regularization of his service from 04.09.2019. Therefore, this writ petition is disposed of with the following directions that the respondents should consider and dispose of the representation of the petitioner dated 18.06.2020 within a period of 2 (two) months from the date a copy of this order is received. Further, the respondents are also directed to consider the prayer of the petitioner in this writ petition in regard to payment of his arrear of pay from 04.09.2019 while considering his representation. This writ petition is accordingly disposed of."

An affidavit has been filed by the respondent No. 3/Engineer-in-Chief, NPWD, Nagaland, wherein in paragraph 3 of the said affidavit it has been stated as followed:-

"3. That the deponent states that in compliance to the directions dated 09.12.2020 passed by this Hon'ble Court in WP(C) No. 197/2020, the Department had examined the petitioner's representation dated 18.06.2020 for consideration as per the Office Memorandum NO.AR-3/GEN-201/2009 dated 17.03.2015. However, there were some discrepancies in the petitioner's service records due to which her case could not be taken up regularization as per OM dated 17.03.2015 as such vide letter NO.CON/ENC/LEGAL/GEN-308/2021-22 dated 08.07.2021, the deponent authority intimidated the petitioner that her representation was examined and her service for regularization can be taken up only after discrepancies in her service records are

sorted out."

Supporting the contention made in paragraph 3 the Engineer-in-Chief has also annexed the letter dated 08.07.2021. A perusal of the statements made in paragraph 3 as well as the letter dated 08.07.2021 shows that the representation submitted by the petitioner to the Department has been examined, however, there are some discrepancies in regard to the Service Record of the petitioner. The petitioner has accordingly been informed that till this is sorted out, the case for regularization in service of the petitioner cannot be taken up. This Court finds that the respondents in the contempt petition has substantially complied with the order dated 09.12.2020, and therefore, nothing more survives for consideration of this Court.

The contempt petition is accordingly disposed.

Sd/-
JUDGE

Comparing Assistant