

GAHC020003492019



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

Case No. : COP(C)/30/2019

SURJIT SINGH
S/O SRI SURESH PRASAD SINGH, PRESENTLY WORKING AS
UDA(OFFICIATING),
O/O THE ADVOCATE GENERAL, N/L,
GAUHATI HIGH COURT,GUWAHATI

VERSUS

1.ALAM,IAS AND 3 ORS
THE CHIEF SECRETARY TO THE GOVT. OF N/L, KOHIMA, N/L

2:NGAMJOK KONYAK
THE SECRETARY TO THE GOVT. OF N/L,
DEPT. OF JUSTICE AND LAW, N/L, KOHIMA

3: DINESH KUMAR
COMMISSIONER AND SECRETARY TO THE GOVT. OF N/L,
DEPT. OF PERSONNEL AND ADMINISTRATIVE REFORMS,
N/L KOHIMA

4: SENTIYANGER IMCHEN,IAS.
ADDL.CHIEF SECRETARY AND FINANCE COMMISSIONER
TO THE GOVT. OF N/L

Advocate for the Petitioner : TONGPOK PONGENER

Advocate for the Respondent : IMTI IMSONG

**BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 08-06-2023

Heard Mr. T. Pongener, the learned counsel for the petitioner and Mr. Imti Imsong, the learned Additional Advocate General, Nagaland.

2. The instant Contempt Proceedings has been initiated for non-compliance of the judgment and order dated 02.11.2018 passed in WP(C) No.75(K)/2017 whereby this Court had directed the Additional Chief Secretary to the Government of Nagaland to the Department of P&R to given due consideration to the case of the petitioner and pass a reasoned order. It was further observed and directed that in doing so, the Additional Chief Secretary to the Government of Nagaland shall also take note of the statement made by the Advocate General in the communication dated 22.05.2013. The petitioner was further granted the liberty to make a further representation making a claim for a pay scale at par with the Secretariat employees, and in the event such representation being filed, the same was directed to be considered by the Additional Chief Secretary to the Government of Nagaland by construing it to be a part of the forwarding by the Advocate General made in the communication dated 22.05.2013. The said directions were to be complied with within a period of 4 months. It further reveals that on 21.11.2018, the petitioner submitted a

representation enclosing therewith the judgment and order dated 02.11.2018. However, as within the timeframe, the consideration of the case of the petitioner was not made, the instant Contempt Proceedings was filed.

3. It appears from the record that an affidavit was filed by the Secretary to the Government of Nagaland to the Department of Law and Justice on 13.12.2022. In the said affidavit, it has been mentioned that vide an order dated 18.07.2022, the Government of Nagaland had upgraded the post of UDA to that of a Head Assistant in the Office of the Advocate General, Gauhati High Court in the Pay Band of Rs.9,300/- to 34,800/- with Grade Pay of Rs.4,200/- per month personal to the petitioner.

4. From a perusal of the said exercise so done, it appears that the directions which have been passed by the judgment and order dated 02.11.2018 have been duly complied with.

5. The learned counsel for the petitioner, however, submits that the claim which the petitioner had, was not granted to the petitioner in terms with the judgment and order dated 18.07.2022.

6. Taking into account the above and the submission s made by the counsel for the petitioner it is the opinion of this Court that if the petitioner is aggrieved by the order dated 18.07.2022, it would be a separate and distinct cause of action for which the petitioner has to take a separate course of action and not by way of the present proceedings.

7. In that view of the matter the order dated 18.07.2022 passed by the Secretary to the Government of Nagaland, in

the opinion of this Court the judgment order dated 02.11.2018 and accordingly the Contempt Proceedings stands closed. The petitioner would have the liberty to challenge the order dated 18.07.2022, if so aggrieved.

Sd/-
JUDGE

Comparing Assistant