

GAHC020003622022



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

Case No. : WP(C)/128/2022

SHRI. L. PANGO PHOM @ L. BANGO
CODE NO.LLG(R AND B) WC-100 W/C SECTIONAL ASSISTANT,
EXECUTIVE ENGINEER,PWD(R AND B), LONGLENG DIVISION,
LONGLENG, NAGALAND

VERSUS

THE STATE OF NAGALAND AND 4 ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT
OF NAGALAND, KOHIMA

2:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT
OF NAGALAND NPWD NAGALAND KOHIMA

3:THE ENGINEER-IN-CHIEF NPWD NAGALAND KOHIMA

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

5:THE COMMISSIONER AND SECRETARY DEPARTMENT OF
PERSONNEL AND ADMINISTRATIVE REFORMS NAGALAND KOHIM

Advocate for the Petitioner : HISINLO HIMB

Advocate for the Respondent : GOVT ADV NL

**BEFORE
HON'BLE MR. JUSTICE NANI TAGIA**

ORDER

Date : 11-05-2023

Heard Mr. Hisinlo Himb, learned counsel for the petitioner. Also heard Ms. Sepong Chang, learned Government Advocate

2. The petitioner, while working as Work Charge Sectional Assistant on provisional basis in the establishment of Executive Engineer, PWD, Longleng Division, Longleng and having completed more than 30 years of service had approached this Court by filing WP(C) No. 198 of 2020 seeking regularization of his service in terms of Office Memorandum, dated 17.03.2015, issued by the Chief Secretary to the Government of Nagaland, vide No. AR-3/GEN-201/2009. The writ petition was disposed of by this Court by an order dated 09.12.2020, directing the respondent authorities to consider and dispose of the representation of the petitioner dated 17.09.2020, in terms of the OM dated 17.03.2015, within a period of 2 (two) months from the date a copy of the order was received. The respondent authorities was further directed to consider the prayer of the petitioner in regard to the payment of arrear of pay from the date of completion of 30 years of service, while considering his writ petition.

3. While the order dated 09.12.2020 passed in WP(C) No. 198 of 2020 was pending compliance by the respondent authorities, the petitioner in the meanwhile retired from service on 03.04.2021. As the respondent authorities did not comply with the order dated 09.12.2020, passed in (C) No. 198 of 2020, the petitioner has again filed this writ petition seeking compliance of the aforesaid order dated 09.12.2020, passed in WP(C) No. 198 of 2020.

4. The State respondents have filed a counter-affidavit, wherein, in paragraph-4 thereof, it has been stated has under:

“..4. That with regard to the averments made in paragraphs 7, 8, 9 and 10 of the writ petition, the deponent beg to state that the department can consider the case of the petitioner only after the laid down rules and procedures provided in the O.M No. Ar-3/Gen-201/2009 dated 17.03.2017 are completed. The deponent also respectfully states that there is no willful and deliberate disobedience to the Hon’ble Court nor the respondent has any intention to violate the Court’s order but due to extensive process that required for regularization of the petitioner’s service i.e. proposal for regularization shall be submitted to the P & AR and then to the finance department for clearance and concurrence and then to the cabinet for approval. Only after obtaining cabinet approval, necessary notification for regularization in service shall be issued. Hence, it is not possible to complete the process within the time limit therefore sufficient time may be given to complete the process. Therefore, when the process is completed the

service of the petitioner will be regularized.”

5. Since the State respondents, in the counter-affidavit filed has indicated that it has already started the process for compliance of the order dated 09.12.2020, passed in WP(C) No. 198 of 2020 and is asking for a further sufficient time to complete the process initiated, in the facts and circumstances of the case, I deem it appropriate that 3 (three) months time would be a reasonable time to complete the process initiated by the respondent authorities to comply with the directions passed by this Court in the order dated 09.12.2020, passed in WP(C) No. 198 of 2020.

6. Accordingly, this writ petition is hereby disposed of with a direction to the respondent authorities to complete the process initiated and conclude it within a period of 3 (three) months from today, so that the order dated 09.12.2020, passed in WP(C) No. 198 of 2020, is complied with.

7. The writ petition is disposed of with the above direction.

Sd/-

JUDGE

Comparing Assistant