



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

Case No. : WP(C)/159/2023

SHRI. PINGLANG@SHRI S. PINGLANG
W/C PAINTER
NOKLAK DIVISION, NAGALAND

VERSUS

THE STATE OF NAGALAND AND 5 ORS
REPRESENTED THROUGH THE CHIEF SECRETARY TO THE GOVT. OF
NAGALAND, KOHIMA

2:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF NAGALAND
PWD (R AND B) NAGALAND KOHIMA

3:THE COMMISSIONER AND SECRETARY
P AND AR DEPT.NAGALAND KOHIMA

4:THE SECRETARY
DEPT. OF FINANCE
NAGALAND KOHIMA

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

6:THE EXECUTIVE ENGINEER
PWD (R AND B)
NOKLAK DIVISION
NAGALAN

Advocate for the Petitioner : IMKONG JAMIR

Advocate for the Respondent : GOVT ADV NL

**BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN
ORDER**

28.11.2023

Heard Mr. I. Jamir, learned counsel for the petitioner and Mr. M. Imchen, learned Senior Government Advocate for the State respondent.

2. In this petition, under Articles 226 of the Constitution of India, the petitioner namely, Shri Pinglang @ Shri S. Pinglang has prayed for directing the State respondents for regularization of his service, in terms of the and Office Memorandum [OM] dated 17.03.2015, and also to pay all the arrear due to him.

3. The background facts leading to filing of this petition adumbrated herein below :-

“The petitioner was appointed on 08.04.1991, as Work-Charged Khalashi [WCK] under the establishment of SDO [PWD], Noklak and since then he has been rendering service for more than 32 years and he will retire from service on 30.04.2026. His service has not yet been regularized by the State respondents.”

Being aggrieved, the petitioner has approached this Court by filing the present petition with the prayer as aforesaid.

4. The State respondents have filed their affidavit-in-opposition, admitting that the petitioner had put more than 30 years in service and he is entitled to be regularized in terms of OM dated 17.03.2015, and the process for regularization has already been initiated and the service of the petitioner has already been verified

by the District Level Verification Committee and it will take some time to complete the process.

5. Mr. Jamir, learned counsel for the petitioner submits that the petitioner was appointed on 08.04.1991, as Work-Charged Khalasi and since then he has put more than 32 years of service, without being regularized. Mr. Jamir further submits that in terms of OM dated 17.03.2015, the petitioner is entitled to be regularized as he had put more than 30 years of service as WCK. Mr. Jamir also submits that in the year 1993, the petitioner was promoted to the post of Painter Helper and in the year 1994, the petitioner was promoted to the post of Painter, and since then he has been working in the said post for more than 32 years and therefore, it is contended to allow the petition, by directing the State respondents to complete the process of regularization within a stipulated period.

6. On the other hand, Mr. Imchen, learned Senior Government Advocate for the State respondents fairly submits that the petitioner has put more than 32 years of service as WCK under the establishment of SDO [PWD], Noklak and in terms of the OM dated 17.03.2015, the petitioner is entitled to be regularized. Mr. Imchen further submits that the State has already started the process of his regularization and it may take some time to complete the entire process.

7. Having heard the submissions of learned counsel for both the parties, I have carefully gone through the petition as well as the documents placed on record.

8. Indisputably, the petitioner was appointed on 08.04.1991, as Work-Charged Khalashi under the establishment of SDO [PWD], Noklak and he has put more than 32 years in service as

WCE under the establishment of SDO [PWD], Noklak and he is entitled to be regularized, in terms of the OM dated 17.03.2015. It also appears that the State has already started the process for regularization of the service of the petitioner.

9. In view of above and also as agreed by learned counsel for both the parties, this Court is inclined to dispose of this writ petition, by directing the State respondents to complete the entire process of regularization of service of the petitioner within January, 2024.

10. In terms of above, this writ petition stands disposed of. The petitioner shall obtain a certified copy of this order and place the same before the respondent authorities, within a period of one week. The parties have to bear their own costs.

Sd/-

JUDGE

Comparing Assistant