

GAHC020004262021



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

Case No. : WP(C)/202/2021

SMTI. LOMONGI
WIFE OF LATE. NRIBEMO LOTH, YANTHAMO VILLAGE, WOKHA
NAGALAND

VERSUS

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

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

3:THE COMMISSIONERT AND SECRETARY
PUBLIC HEALTH ENGINEERING DEPARTMENT,NAGALAND KOHIMA

4:THE CHIEF ENGINEER
PUBLIC HEALTH ENGINEERING DEPARTMENT
NAGALAND KOHIMA

5:THE EXECUTIVE ENGINEER
PUBLIC HEALTH ENGINEERING DEPARTMENT
WOKHA NAGALAND

Advocate for the Petitioner : LIMANARO

Advocate for the Respondent :

**BEFORE
HON'BLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

ORDER

Date : 04-12-2023

Heard Ms. Limanaro, learned counsel for the petitioner and Ms. S. Mere, learned Government Advocate for all the respondents.

The case of the petitioner is that her husband had been appointed as a work charged Labour on fixed pay of Rs.375/- p.m vide office order dated 12.05.1987. While in service, petitioner's husband along with others filed W.P. (C)228(K)/2018 before this Court, praying for grant of scale of pay as provided to regularly appointed Grade-IV employees. W.P.(C)228(K)/2018 was disposed of by order dated 21.11.2018, by directing the State respondents to consider the prayer of the petitioners to pay them scale of pay, as provided to regular Grade-IV employees. Prior to the Government taking the decision in pursuant of the order dated 21.12.2018 passed in W.P.(C) 228(K)/2018, the petitioner's husband died after completing 32 years of service. The petitioner thereafter, has filed this case, praying for grant of the minimum scale of pay as applicable to Grade-IV employees and to regularize the service of her husband, in terms of the O.M. dated 17.03.2015 issued by the Government of Nagaland, P & AR Department (Administrative reforms Branch), which is the scheme for regularizing and absorption of work charged and casual employees. During the proceedings of this case, the petitioner's husband

was given scale of pay vide order dated 28.01.2020 issued by the Deputy Secretary to the Government of Nagaland Kohima, PHED. Subsequently corrigendum dated 27.09.2023 was issued wherein it was indicated that the minimum scale of pay would be given to the petitioner w.e.f 1.11.2018, issued by the Chief Engineer, PHED, Nagaland Kohima.

Ms. S. Mere, learned Sr. Government Advocate has submitted letter No.CE/PHE/GEN-EST/2005 dated 20.09.2023 issued by the Deputy Secretary to the Government of Nagaland, Kohima, PHED, which is to the effect that the case of the petitioner is under process for regularization as per the O.M dated 17.03.2015 and the respondents require 6 (six) months time to finalize the process for regularization of service of the petitioner's husband.

Ms. Limanaro, learned counsel for the petitioner submits that 3(three) months time should be sufficient, inasmuch as, the State respondents have been taking time since 21.09.2023, for regularization of the service of the petitioner's late husband.

On considering the fact that there is nothing left to adjudicate in this case, as the State Government has already initiated the process for regularizing the service of the petitioner's husband, this Court is of the view that the State respondents should complete the process of regularizing the service of the petitioner's late husband, within a period of 4(four) months from today.

The writ petition is accordingly disposed of.

The office order dated 28.01.2020, Corrigendum dated 27.09.2023 and letter dated 20.09.2023 are made part of the record and marked as Annexure 'X', 'Y' and 'Z' respectively.

**Sd/-
JUDGE**

Comparing Assistant