



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

Case No. : WP(C)/203/2021

SHRI NTSUTAMO LOTHIA
KOIO VILLAGE WOKHA NAGALAND

VERSUS

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

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

3:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
NAGALAND
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 : LIMANARO
Advocate for : GOVT ADV NL appearing for THE STATE OF NAGALAND

AND 4 ORS

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

JUDGMENT

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 he had been appointed as a work charged Labour on fixed pay of Rs.210/- p.m w.e.f 24.11.1983, vide office order dated 29.11.1983, issued by the Executive Engineer, PHE Division, Wokha. As the petitioner was not given scale of pay, the petitioner 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. As the direction passed in W.P.(C) 228(K)/2018 was not complied with, the petitioner filed the present writ petition, praying for granting scale of pay as applicable to regular 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 was given scale of pay, vide order dated 28.01.2020 issued by the Deputy Secretary the Government of Nagaland, Kohima, PHED. The petitioner's service as work charged Labour (fixed pay) was upgraded to work charged Khalasi in the scale of pay Rs.3000-15200/- with Grade Pay Rs.1300/- in terms of the Court's order dated 21.11.2018 passed in W.P.(C)228(K)/2018 w.e.f.01.01.2018 vide office order dated 27.09.2023 issued by the office of the Chief Engineer, PHED.

Ms. S. Mere, learned Sr. Government Advocate has submitted letter No.CE/PHE/GEN-EST/2005 dated 20.09.2023 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. Ms. Limanaro, learned counsel for the petitioner submits that 3(three) months should be sufficient time, inasmuch as, the State respondents have been taking time since 21.09.2023, for regularization of the service of the petitioner.

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, this Court is of the view that the State respondents should complete the process of regularizing the service of the petitioner within a period of 4(four) months from today.

The writ petition is accordingly disposed of.

The office order dated 27.09.2023, is made a part of the record and marked as Annexure 'A'.

JUDGE

Comparing Assistant