

GAHC020004992022



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

Case No. : WP(C)/178/2022

1:SHRI. TEMSUKABA PLUMBER,
EXECUTIVE ENGINEER (H),
DIVISION-1, KOHIMA , NAGALAND

VERSUS

1:THE STATE OF NAGALAND AND 3 ORS
THROUGH THE CHIEF SECRETARY TO THE GOVT. OF NAGALAND,
KOHIMA

2:THE FINANCE COMMISSIONER TO THE GOVT. OF NAGALAND KOHIMA NAGALAND
KOHIMA

3:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF NAGALAND WORKS AND
HOUSING DEPARTMENT NAGALAND KOHIMA

4:THE CHIEF ENGINEER PUBLIC WORKS DEPARTMENT (H) NAGALAND KOHIM

Advocate for the Petitioner : SUPONGWATI WALLING

Advocate for the Respondent : GOVT ADV NL

**BEFORE
HON'BLE MR. JUSTICE NELSON SAILO**

ORDER

Date : 30-03-2023

Heard Mr. Supongwati Walling, learned counsel for the
petitioner who submits that the petitioner was appointed as W/C

Plumber under Sub-Divisional Officer, PWD (Housing) No. I, Kohima in the Scale pay of Rs. 900-1760/- per month by the Executive Engineer, PWD (Housing), Division- No. I, Kohima: Nagaland. Having served for 15 (fifteen) years under the Department, the petitioner's service was regularized *vide* order dated 12.11.2012. However, the petitioner has not been granted time-bound Scale of pay as entitled to him as per Rule 13 read with Rule 2(b) of the Nagaland Services (Revision of Pay) Rules, 1993. The petitioner, therefore submitted his representation before the Chief Engineer, PWD (H), Nagaland, Kohima on 27.06.2022, but as his representation was not considered and disposed of, the petitioner is before this Court.

2. Against the writ petition, the respondent nos. 1 to 4 have filed their affidavit-in-opposition on 19.12.2022, wherein at paragraph- 4 it is stated that the Finance Department has communicated to the Secretary to the Government of Nagaland, Works and Housing Department, Nagaland, Kohima on 22.09.2022, to the claim made by the writ petitioner that W/C employees drawing Scale of pay under ROP 1993 are entitled to time-bound Scale of pay Rule 13 of ROP 1993. Joint Secretary to the Government of Nagaland, Works and Housing, thereafter *vide* communication dated 30.09.2022 has informed the Engineer-in-Chief, NPWD, Nagaland, Kohima about the observation and advice given by the Finance Department. Mr. Supongwati Walling, learned counsel submits that in view of the admission on the part of the respondents that the petitioner is entitled to time-bound Scale of pay as per Rule 13 of the ROP 1993, the writ petition may be disposed of by directing the respondents to give the petitioner the

benefit as entitled to him.

3. To this submission, Mr. N. Angami, learned State counsel submits that as communicated by the Finance Department, the W/C employees drawing Scale of pay under the ROP 1993 are entitled to time-bound Scale as per Rule 13 of the ROP 1993. Therefore, Court may pass appropriate orders as deemed fit. He also submits that the direction may be given for granting the petitioner the benefits as per his entitlement and as per the prevailing rules of the Government.

4. Considering the above submission and upon perusal of the materials submitted on record, the writ petition is disposed of with a direction to the respondents to grant the petitioner time-bound Scale of pay as per Rule 13 of the ROP 1993 read with any other relevant guidelines or rules in this regard as expeditiously as possible, and preferably within a period of five months time from the date of receipt of a certified copy of this order.

Sd/-
JUDGE

Comparing Assistant