



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

Case No. : WP(C)/185/2022

SHRI. L. PONGBA KONYAK
CODE NO. GONPON34950, W/C HANDYMAN, PWD (MECHANICAL), ABOI
DIVISION, MON NAGALAND

VERSUS

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

2:THE COMMISSIONER AND SECRETARY
TO THE GOVT. OF NAGALAND
P AND AR DEPARTMENT
NAGALAND KOHIMA

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

4:THE ENGINEER-IN-CHIEF
NPWD
KOHIMA NAGALAND

5:THE CHIEF ENGINEER
MECHANICAL
NPWD
KOHIMA NAGALAND

6:THE EXECUTIVE ENGINEER
PWD (M)
ABOI DIVISION
MON NAGALAN

Advocate for the Petitioner : SUPONGWATI WALLING

Advocate for the Respondent : GOVT ADV NL

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

28.11.2023

Heard Mr. S. Walling, learned counsel for the petitioner and Mr. N. Angami, learned Senior Government Advocate for the State respondent.

2. In this petition, under Articles 226 of the Constitution of India, the petitioner namely, Shri L. Pongba Konyak has prayed for directing the State respondents for regularization of his service, in terms of Office Memorandum dated 22.09.2004, and Office Memorandum dated 17.03.2015.

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

“The petitioner was appointed as Work-Charged Employee [WCE] and posted in the office of Chief Engineer, PWD, Aboi Division, Mon, Nagaland. Thereafter, vide office order dated 07.07.1992, the service of the petitioner was extended until further order and since then the petitioner has been serving in the aforesaid department for more than 30 years as Work-Charged Employee [Scale], without there being regularization. Thereafter, on 24.06.2022, the petitioner has submitted one representation to the Chief Engineer, PWD, Aboi Division, Mon, Nagaland for regularization of his service, but he has not received any response till date.”

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. Walling, learned counsel for the petitioner submits that the petitioner was appointed on 07.02.1992, as WCE and since then he had put more than 30 years of service, without there being regularization. Mr. Walling 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 Work Charged Employee. Mr. Walling further submits that in view of his representation dated 24.06.2022, the respondent authorities have not initiated the process till date. However, referring to the Annexure-A enclosed with the affidavit-in-opposition, Mr. Walling submits that the District Level Verification Committee has already verified that service rendered by the petitioner and they have found the petitioner to be eligible for regularization under the Scheme for Regularization and Absorption of Work-Charged and Casual Employees and his name in the Serial No. 2 of the Annexure-A and therefore, it is contended to allow the petition, by directing the State respondents to complete the process of regularization within a specified period.

6. On the other hand, Mr. Angami, learned Senior Government Advocate for the State respondents fairly submits that the petitioner has put more than 30 years of service as WCE in the department of Chief Engineer, PWD, Aboi Division, Mon, Nagaland and in terms of the OM dated 17.03.2015, the petitioner is entitled to be

regularized. Mr. Angami 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 and also perused the affidavit-in-opposition filed by the State respondents.

8. It appears that the petitioner has put more than 30 years service as WCE in the department of Chief Engineer, PWD, Aboi Division, Mon, Nagaland and he is entitled to be regularized, in terms of the OM dated 17.03.2015. Further, it appears that the District Level Verification Committee has already verified that service rendered by the petitioner and they have found the petitioner to be eligible for regularization, under the Scheme for Regularization and Absorption of Work-Charged and Casual Employees and his name is at Serial No. 2 of the list. It also appears that the State will take some time to complete 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 a period of 6 [six] months from today.

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 2 [two] weeks. The parties have to bear their own costs.

Sd/-

JUDGE

Comparing Assistant