

GAHC020005092022



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

Case No. : WP(C)/187/2022

SHRI. LITHRIKYU
CODE - KIP-0517,
W/C KHALASI, PHED, KIPHIRE DIVISION,
KIPHIRE, NAGALAND

VERSUS

THE STATE OF NAGALAND AND 4 ORS
THROUGH THE CHIEF SECRETARY TO THE GOVERNMENT OF
NAGALAND, KOHIMA

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

3:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
NAGALAND, PHED NAGALAND KOHIMA.

4:THE CHIEF ENGINEER
PHED, NAGALAND KOHIMA.

5:THE EXECUTIVE ENGINEE
PHED, KIPHIRE DIVISION
KIPHIRE NAGALAND.

Advocate for the Petitioner : SUPONGWATI WALLING

Advocate for the Respondent : GOVT ADV NL

BEFORE
HON'BLE MRS. JUSTICE MARLI VANKUNG
ORDER

Date : 26-09-2023

26.09.2023

Heard Ms. R. Atsula Kips, learned counsel for the petitioner along with Mr. N. Angami, learned Senior Govt. Advocate.

2. This writ petition was filed under Article 226 of the Constitution of India for issuance of the appropriate writ against the State respondents for non consideration of the petitioner's application dated 20.10.2021 for regularization of the service of the petitioner to the post of Khalasi.

3. The case of the petitioner is that vide an Order dated 21.03.1991 issued by the Executive Engineer (PHED) Tuensang Division, Tuensang, Nagaland, the petitioner was appointed as Work Charge Labour in fixed pay of Rs.480/- p.m. and was posted in the Office of Additional Chief Engineer (PHED) Tuensang Division, Tuensang, Nagaland.

4. The petitioner was then promoted to the post of Work Charge Khalasi in the scale pay of Rs.800-18-890-20-1050-25-1475/- p.m. by an order dated 21.03.1995. That the petitioner has then been serving in the department for more than 31 years as Work Charge employee without his service being regularized. His case has not been considered till date inspite of the representation made by him to the State respondents. The learned counsel for the petitioner submits that the petitioner's case should be considered for

regularization in terms of the Office Memorandum dated 17.03.2015 issued by P & AR Department, Govt. of Nagaland.

5. Mr. N. Angami, learned senior Govt. Advocate submits that the Chief Engineer, Sanitation & WSSO, PHE, Nagaland, Kohima in response to the representation made by the petitioner submitted a proposal for a regularization and absorption of the Work-Charge service of the petitioner who has completed 30 years of service vide a letter 25.11.2021. The learned Senior Govt. Advocate further submits that the outcome of the letter dated 25.11.2021 is that he has received a copy of the notings of the Finance Department indicating that the Finance Department has cleared and concurred the regularization of the instant petitioner.

6. The learned Senior Govt. Advocate has produced a copy of the concurrence of the Finance Department for regularization of the instant petitioner to the post of Khalalsi which is made a part of the record and marked as P-1.

7. Mr. N. Angami, learned Senior Govt. Advocate thus prays that since necessary steps have been taken and the P & AR and Finance Department clearance has been taken the matter will now be placed before the Cabinet for approval. Only after obtaining Cabinet approval the necessary notification for regularization in service shall be issued. He has thus prays that since the State respondents has taken the necessary steps for the regularization of the petitioner as prayed for, the instant petition may be closed.

8. Ms. R. Atsula Kips, learned counsel for the petitioner has

also not objected to the closure of the instant writ petition since the needful has been done by the State respondent, but has prayed that a time line may be given for issuance of the appointment order.

9. In view of the above submissions, considering the fact that the Finance Department has examined the proposal and concurred the regularization of the petitioner along with other Work Charge employees who have completed 30 years of continuous service as on 01.07.2021 under the establishment of the Office of Chief Engineer, PHE, Nagaland and cleared post for creation of Khalasi number of post shown at 5 nos. wherein the name of the petitioner has been included in Sl.No.5, this court finds it fit to dispose of the writ petition with a direction that the State respondents shall take further necessary steps and issue the appointment order of the petitioner within 6 (six) months from the date of receiving a certify copy of this order.

10. Accordingly, this Writ Petition (C) No. 187 of 2022 stands allowed and disposed of.

**Sd/-
JUDGE**

Comparing Assistant