

GAHC020005422023



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

Case No. : WP(C)/228/2023

SHRI AZELIM YIMCHUNGER,
PEON, GOVT. HIGH SCHOOL, KUTHUR VILLAGE,
TUENSANG, NAGALAND

VERSUS

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

2) THE COMMISSIONER AND SECRETARY TO THE GOVT. OF
NAGALAND,
DEPARTMENT OF SCHOOL EDUCATION, NAGALAND,
KOHIMA

3) THE PRINCIPAL DIRECTOR,
DIRECTORATE OF SCHOOL EDUCATION, NAGALAND,
KOHIMA

4) THE DISTRICT EDUCATION OFFICER (DEO),
TUENSANG, NAGALAND

5) THE HEADMASTER,
GOVT. HIGH SCHOOL KUTHUR, TUENSANG, NAGALAND

Advocate for the Petitioner : TONGPOK PONGENER

Advocate for the Respondent :

BEFORE
HON'BLE MR. JUSTICE MICHAEL ZOTHANKHUMA
ORDER

Date : 07-12-2023

- 1.** Heard Mr. Laknyei Phom, learned counsel for the petitioner as well as Ms. S. Mere, learned Senior Government Advocate appearing for all the respondents.
- 2.** The case of the petitioner is that he was appointed as a Peon on temporary basis in the Government High School, Kuthur Village, Tuensang, Nagaland, vide order no. ED/ADMN/MISC/1/10-11/671-75 dated 18.09.2012.
- 3.** The petitioner's counsel submits that while the petitioner has been working in the said school till date, his salary has been stopped since January, 2023. He submits that though a representation dated 05.07.2023 had been made by the petitioner for release of his salary, the same has not evoked any response.
- 4.** Ms. S. Mere, learned Senior Government Advocate has submitted letter no. ED/CON/HC-51/2023/43 dated 06.12.2023 issued by the Principal Director, Directorate of School Education, Nagalan, Kohima, which states that the salary of the petitioner has been withheld for non-extension of his *ad hoc* service. However, his service extension is under process and his salary will be released.
- 5.** The contents of the above letter dated 06.12.2023 is reproduced below as follows :

"With reference to the above, the salary of Shri Azelim Yimchunger was withheld for non-extension of his adhoc service. However, his service extension is under process and his salary will be released accordingly. The same may be kindly apprised to the Hon'ble High Court."

The same is made a part of the record and marked as Annexure-X.

6. In view of the above letter dated 06.12.2023 and as per the consent of the parties, this writ petition is being disposed of. Accordingly, the Principal Director, Directorate of School Education, Nagalan, Kohima is directed to conclude the proposal for extension of the petitioner's service expeditiously and preferably within a period of 3 (three) months. In view of the fact that the petitioner is apparently still working in the said school till date, the respondents will have to pay to the petitioner his salary for the services rendered by him. Accordingly, the Principal Director, Directorate of School Education, Nagalan, Kohima shall release the arrear and current salary of the petitioner with effect from January 2023 till date, within 2 (two) weeks from the date of receipt a copy of this order.

7. The writ petition is accordingly disposed of.

**Sd/-
JUDGE**

Comparing Assistant