



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

Case No. : WP(C)/196/2020

MEGOVONO MOTONYU KUOTSU
D/O BIZO M. KUOTSO, R/O PHESAMA VILLAGE, KOHIMA, NAGALAND

VERSUS

THE STATE OF NAGALAND AND 5 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF
NAGALAND, DEPARTMENT OF LEGAL METROLOGY AND CONSUMER
PROTECTION

2:THE CONTROLLER
LEGAL METROLOGY AND CONSUMER PROTECTION, NAGALAND,
KOHIMA

3:CHUBASANGLA ANAR
IAS, COMMISSIONER AND SECRETARY EX-OFFICIO CONTROLLER
LEGAL METROLOGY AND CONSUMER PROTECTION,

4:SHILUMENLA LONGCHARI
DEPUTY SECRETARY, LEGAL METROLOGY AND CONSUMER
PROTECTION, NAGALAND, KOHIMA

5:VECHOVO TETSEO

SRO, P AND AR DEPARTMENT, NAGALAND, KOHIMA

6:K. TAKEETH IMCHE
DEPUTY CONTROLLER, LEGAL METROLOGY AND CONSUMER
PROTECTION, NAGALAND, KOHIMA

Advocate for the Petitioner : A. ZHO

Advocate for the Respondent : GOVT ADV NL

BEFORE
HON'BLE MR. JUSTICE MANISH CHOUDHURY
ORDER

Date : 14.11.2023

The instant writ petition is preferred by the petitioner to assail an Order dated 09.11.2020 passed by the Secretary to the Government of Nagaland & Ex-Officio Controller, Legal Metrology & Consumer Protection Department, Nagaland whereby the petitioner has been reverted back from the post of Inspector, Legal Metrology & Consumer Protection Department to Assistant Inspector, Legal Metrology & Consumer Protection Department.

2. When the writ petition was moved on 09.12.2020, this Court while issuing notice of motion, passed an interim order suspending the operation of the impugned Order dated 09.11.2020 till the returnable date. Thereafter, the interim order has been extended from time to time and the said interim order is in operation as on date.

3. Heard Mr. A. Zho, learned counsel for the petitioner and Mr. Imti Imsong, learned Additional Advocate General, Nagaland for the respondent nos. 1, 2 & 3. As per Order dated 11.08.2023, the notices have been duly served upon the respondent nos. 4 – 6. Despite such service of notice, the respondent nos. 4 – 6 have chosen not to appear in the present writ proceedings.

4. The background facts, leading to the institution of the writ petition, can be narrated, in brief, as follows :- The petitioner came to be appointed in the post of Assistant Inspector, Legal Metrology & Consumer Protection Department, Group-C [Non-Gazetted] in the establishment of the Controller of

Legal Metrology & Consumer Protection, Nagaland by an Order dated 04.11.2010 passed by the respondent no. 2. By an Order dated 01.03.2011, the petitioner was promoted to the post of Inspector, Legal Metrology & Consumer Protection Department against an existing vacancy post due to resignation of one Shri Imnalensa, Inspector, Legal Metrology & Consumer Protection Department. The Order dated 01.03.2011 observed that the promotion was temporary and subject to regularization by the Departmental Promotion Committee. After constitution of a Departmental Promotion Committee by a Notification dated 18.04.2018 for regularization of officiating promotions of Class - III & IV [Non-Gazetted] employees under the establishment of the Controller of Legal Metrology & Consumer Protection Department, Nagaland, the said Department Promotion Committee had held one of its Meetings on 30.04.2018. Subsequent to the said Review Meeting, the promotion of the petitioner to the post of Inspector was regularized w.e.f. 04.11.2015 by a Notification dated 08.05.2018. Thereafter by another Notification dated 25.06.2018, the petitioner was promoted to the Post of Sr. Inspector [Class-II Gazetted] and the said promotion was stated to have been made against an upgraded post. But pursuant to a Review Meeting of the Departmental Promotion Committee, held on 16.06.2020, the impugned Order dated 09.11.2020 came to be passed.

5. It has been submitted by the learned counsel for the parties that during the pendency of the writ petition, the respondent no. 2 has passed an Order under Memo no. CLMCP/Estt-28/85 dated 01.03.2022 whereby 21 nos. of officials in the establishment of the Controller of Legal Metrology & Consumer Protection Department, Nagaland have been confirmed against existing permanent posts, as indicated therein. The name of the petitioner has figured at serial no. 3 in the list of officials indicated in the Order dated 01.03.2022. From the Order dated 01.03.2022, it transpires that the Order has been passed consequent on the recommendation of Medical Board and fulfillment of all eligibility criteria for confirmation of service to the permanent posts. By the Order dated 01.03.2022, the petitioner's service, who has been mentioned as Inspector, has been confirmed in the post of Inspector with effect from 10.02.2022 in the Scale of Pay : 5,200 – Rs. 20,200 with Grade Pay of Rs.

2,800/-.

5.1. The learned counsel for the parties have also referred to an Order dated 22.08.2023 passed in a writ petition, W.P.[C] no. 7213/2021 [Mezo Motonyu Juotsu vs. The State of Nagaland and 10 others], to submit that the petitioner therein had also been reverted from the post of Inspector, Legal Metrology & Consumer Protection Department to the post of Assistant Inspector, Legal Metrology & Consumer Protection Department by an Order dated 16.12.2021. Subsequently, by an Order dated 15.03.2022, the petitioner therein was confirmed in the post of Inspector, Legal Metrology & Consumer Protection Department with effect from 10.02.2022. As the petitioner therein was confirmed in the post of Inspector, Legal Metrology & Consumer Protection Department, the Court had observed in such obtaining fact situation that as services of the petitioner therein had been confirmed in the post of Inspector, Legal Metrology & Consumer Protection Department with effect from 10.02.2022, nothing would survive in the writ petition.

5.2. Referring to the Order dated 22.08.2023 passed in a writ petition, W.P. [C] no. 7213/2021, the learned counsel for the parties have submitted, in unison, that the facts and circumstances of the present writ petition is similar to the writ petition, W.P.[C] no. 7213/2021.

6. From the copy of the Order dated 01.03.2022 placed before this Court by the learned counsel for the parties, it is noticed that the services of the petitioner in the post of Inspector, Legal Metrology & Consumer Protection Department has been confirmed with effect from 10.02.2022. In view of such confirmation of services of the petitioner in the post of Inspector, Legal Metrology & Consumer Protection Department with effect from 10.02.2022, there appears to be no cause of action which has survived in the present writ petition. In view of the Order dated 01.03.2022, the impugned order dated 09.11.2020 has been made redundant. The writ petition is accordingly closed.

7. A copy of the Order bearing Memo no. CLMCP/Estt-28/85 dated

01.03.2022 issued by the respondent no. 2, placed by the learned counsel for the parties before this Court, be kept as a part of the case records.

Sd/-

JUDGE

Comparing Assistant