



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

Case No. : WP(C)/236/2022

MR. YANGLONGSE SANGTAM
WORK CHARGE LABOUR(FIXED),
R/O LONGKHIM TOWN,
DISTRICT - TUENSANG, NAGALAND

VERSUS

THE STATE OF NAGALAND AND 3 ORS
REPRESENTED BY THE CHIEF SECRETARY,
GOVERNMENT OF NAGALAND, NAGALAND, KOHIMA

2:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
NAGALAND

DEPARTMENT OF WORKS AND HOUSING
NAGALAND KOHIMA

3:THE CHIEF ENGINEER
PWD(R AND B)
NAGALAND KOHIMA

4:THE EXECUTIVE ENGINEER
PWD(R AND B)
TUENSANG DIVISION
TUENSANG NAGALAND

Advocate for the Petitioner : L LIKHASE SANGTAM

Advocate for the Respondent : GOVT ADV NL

BEFORE

HON'BLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

Date : – 07.12.2023

1. Heard Mr. L. Likhase Sangtam, learned counsel for the petitioner, who submits that the petitioner was appointed in the year 1988 as a Work Charged Labourer, being given a fixed pay of Rs.450/- per month and with enhancement of his wages, he is presently receiving Rs.5,000/- per month.

2. The learned counsel for the petitioner submits that the petitioner should be granted a minimum scale of pay, in terms of the office order dated 23.01.2020 issued by the Engineer-in-Chief, NPWD, Nagaland, Kohima, which was made in pursuant to the order dated 24.09.2018 passed in WP(C) 167(K)/2018. He submits that the petitioner being similarly situated as the person who has been given the minimum scale of pay reflected in the office order dated 23.01.2022, the petitioner cannot be denied the payment of minimum scale of pay.

3. Ms. S. Mere, learned Senior Government Advocate for the State respondents submits that there is no provision or rules for granting scale of pay to the petitioner, who is a Work Charged Labourer. She submits that though there are regular posts of labourers in the State Government, the petitioner being a Work Charged Labourer, he cannot claim pay scale as given to a regular labourer.

4. I have heard the learned counsels for the parties.

5. This Court in WP(C) 167(K)/2018 had directed the State respondents to consider the case of the petitioner therein, who had been praying for being granted minimum scale of pay, as he had been working as a Work Charged Labourer since 25.09.1996. In pursuance to the direction passed in WP(C) 167(K)/2018, the State Government had issued the office order dated 23.01.2020, approving the grant of pay scale to the petitioner who had filed WP(C) 167(K)/2018.

6. In view of the fact that the petitioner herein is similarly situated as the petitioner in WP(C) 167(K)/2018, the petitioner cannot be discriminated by the State respondents. Accordingly, the petitioner would have to be given the minimum pay scale, as a regular labourer appointed against the regular sanctioned post of a Labourer in the Government of Nagaland is given a pay scale. This would in consonance with the judgment of the Supreme Court in the case of ***State of Punjab & Others vs. Jagjit Singh & Others***, reported in ***(2017) 1 SCC 148***, so long as the work responsibility of the petitioner herein is similar to the work responsibility of the regular appointed labourer.

7. To a query raised by this Court as to whether the petitioner was still working, the petitioner's counsel submits that the petitioner retired in the month of August 2023. In view of the above fact, the writ petition has become infructuous. However, keeping in view the fact that the petitioner is entitled to the payment of minimum scale of pay as he is similarly situated as the petitioner in WP(C)

167(K)/2018 and keeping in view the fact that this writ petition had been filed on 25.10.2022, the State respondents are directed to give to the petitioner the minimum scale of pay w.e.f November, 2022 till August, 2023. No further relief beyond the above can be given to the petitioner.

8. The writ petition is accordingly disposed of.

JUDGE

Datta