

GAHC020006322023



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

Case No. : WP(C)/267/2023

SMTI. OMEI PHOM
W/C LABOUR, EXECUTIVE ENGINEER PWD (R AND B) LONGLENG DIVISION,
LONGLENG NAGALAND

VERSUS

THE STATE OF NAGALAND
REPRESENTED BY THE CHIEF SECRETARY
TO THE GOVT. OF NAGALAND

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

3:THE ENGINEER-IN-CHIEF
NPWD, NAGALAND, KOHIMA

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

5:THE EXECUTIVE ENGINEER
PWD (R AND B) LONGLENG DIVISION,
LONGLENG, NAGALAND

Advocate for the Petitioner : HISINLO HIMB

Advocate for the Respondent : GOVT ADV NL

**BEFORE
HON'BLE MR. JUSTICE MANISH CHOUDHURY**

ORDER

Date : 20-11-2023

Heard Ms. Berta Tep, learned counsel for the petitioner and Ms. Livika, learned State Counsel for all the respondents.

2. The case projected by the petitioner in this writ petition, in brief, is that the petitioner came to be appointed as a work-charged labour on fixed pay of ₹ 450/- per month in the establishment of respondent no. 5 pursuant to an Order no. LLG/EII-1/92-95/dt., LLG dated 03.06.1994. After being so appointed, the petitioner has been serving continuously since then. After serving for a period of 29 years, the petitioner had submitted a representation before the respondent no. 4 on 19.07.2023 praying for grant of minimum scale of pay. It is stated that due to payment of pay at a fixed rate, the petitioner has been facing immense financial difficulties in managing her family. In support of her contention that she is entitled to minimum scale of pay, the petitioner has referred to a Reply furnished by the office of the respondent no. 4 under the Right to Information Act on 20.06.2023 [Annexure-D] wherein the respondent no. 4 has informed that both the work-charged employees and the regular employees discharge similar nature of duties. The petitioner has also referred to an Order dated 24.09.2018 passed in a writ petition, W.P.[C] no. 167[K]/2018 [Smti. Aphong Phom vs. the State of Nagaland and others], to submit that pursuant to the Order dated 24.09.2018, the petitioner therein, Smti. Aphong Phom had been granted work-charged scale pay by an Office Order dated 23.01.2020. With the above projections, the petitioner has preferred the instant writ petition seeking a direction to the respondent authorities to consider the case of the petitioner for grant of scale of pay.

3. Ms. Berta Tep, learned counsel for the petitioner has submitted that since the representation submitted by the petitioner on 19.07.2023 has not yet been disposed of, the respondent authorities may be directed to consider and dispose

of the said representation with utmost expedition.

4. Ms. Levika, learned State Counsel has submitted that the writ petition can be disposed of at this stage with a direction to the respondent no. 4 to take the representation submitted by the petitioner seeking minimum scale of pay and thereafter, to dispose of the same by passing a speaking order.

5. Having regard to the broad consensus arrived at by the parties in the above manner and considering the fact that the representation stated to have been submitted by the petitioner on 19.07.2023, has not yet been considered and disposed of, this Court is of the considered view that instead of keeping this writ petition pending, the same can be disposed of with a direction to the respondent authorities, more particularly, the respondent no. 3 to take the said representation on board and thereafter, to dispose of the same by passing a speaking order by taking into account the facts and circumstances obtaining in the case of the petitioner and the extant policy, if any, governing the matter of grant of pay to work-charged employees, within a period of 6 [six] weeks, from the date of submission of a certified copy of this order at the office of the respondent no. 3 by the petitioner. It is accordingly ordered.

6. This order disposes of the writ petition.

Sd/-

JUDGE

Comparing Assistant