

GAHC030003292024



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

Case No. : WP(C)/42/2024

Lalhmingangi Sailo and 52 Ors.
D/o Lalsangzuala Sailo
R/o Chaltlang, Aizawl, Mizoram

2: K. Lalruattluangi

3: H. Vanlaldusaki

4: Irene Zoramdinthari

5: Ngurthankhumi

6: H. Lalhlimpuii

7: Lalthlamuani

8: Lalremmawii Tlau

9: Malsawmdawngkimi

10: Sarah Lalngaihawmi

11: Lisa Zothanpari

12: Zothanpari Sailo

13: Lalduhsaki Sailo

14: T. Lalduhsangi

15: Lalrambeiseii

16: K. Vanlalruati

17: Mary Chingtuldim Zou

18: C. Malsawmdawngi

19: Carmely Zonunsangi

20: Vanlalhriati Hmar

21: Lalmuansanga

22: Lalrinkimi

23: Lalhmingliani

24: Baby Lalrintluangi

25: Zothantluangi

26: F.C. Khaichi

27: K. Lalrindiki

28: Gloria Lalnunfeli

29: Florence Lalthazuali

30: Lalramdini

31: Laldinthangi

32: C. Lalhruitluangi

33: Christina Lalawmpuii

34: Angela Mercia Rokimi

35: K. Malsawmtluangi

36: C. Vanlalnuntluangi

37: Gospel Lalrinpari

38: Ronnie Rohlupuii Ralte

39: Lalmuanzuali Royte

40: K. Lalchhanhimi

41: Lalvenhimi Tochhawng

42: Lalsangpuii

43: Annie Lalnunpuii

44: Emily Lalnunpuii

45: Stella Lalrintlaungi Hrahse

46: K. Lalenkawli

47: Mary Tinsiantingi

48: Lalengkimi

49: Vanlalnghaki

50: Lalchhandami

51: Saidingpuii Sailo

52: Marina Hmingthantluangi Ralte

53: Lalmuanpui

VERSUS

The State of Mizoram r/b Chief Secretary to the Govt. of Mizoram and 3 Ors.
New Secretariat Complex, Aizawl 2: The Secretary to the Govt. of Mizoram
Health and Family Welfare Dept.

3: The Principal Director
Health and Family Welfare Dept.
Govt. of Mizoram

4: The Principal Secretary
Finance Dept. (PRU)
Govt. of Mizora

Advocate for the Petitioner : Ms Valentina Laldinpuii

Advocate for the Respondent : Addl. AG/GA, Mizoram for R1-4

B E F O R E
HON'BLE MR. JUSTICE NELSON SAILO

08.08.2024

Heard Ms. Valentina Laldinpuii, learned counsel for the petitioners and Ms. Caroline K Lungawipuii, learned Govt. Advocate appearing for all the respondents. Ms. Valentina Laldinpuii, learned counsel submits that all the 53 petitioners have either acquired B.Sc Nursing or M.Sc Nursing qualification prior to their appointment as Staff Nurse under the Zoram Medical College (ZMC) which is the erstwhile Mizoram Institute of Medical Education and Research (MIMER).

[2.] The learned counsel submits that the petitioners were appointed in the year 2018 to 2019 and upon completion of the probationary period they were regularized in the year 2020 & 2021. She submits that as per FR 27(10), Nursing staffs who have acquired Diploma Certificate in Nursing education and Nursing administration, etc., and those who have acquired B.Sc Nursing degree from Post-Graduate degree are entitled to be given 1 (one) increment and 2 (two) increments respectively in the manner provided. The date of appointment to those who possess degree or Post-Graduate degree in Nursing and who are recruited after 01.10.1986 would be the relevant date for granting such benefit.

[3.] The learned counsel further submits that the said provision has been notified

by the Ministry of Health & Family Welfare (Nursing Section) vide O.M dated 15.01.2010. Since the petitioners are eligible to be granted 2 (two) increments in terms of FR 27(10) and the O.M dated 15.01.2010, the learned counsel submits that the respondent authorities may be directed to grant them such benefit. The learned counsel also submits that similar writ petition, namely WP(C) Nos. 73 & 75/2020 were disposed of vide a common Judgment & Order dated 06.11.2023 by directing the respondents to grant the benefit of increments to the petitioners therein.

[4.] Ms. Caroline K Lungawipuii, learned Govt. Advocate submits that she may be given some time to get instructions in the matter and to examine as to whether it is a covered case or not. However, from the materials available on record and upon perusal of the Judgment & Order passed by this Court in WP(C) Nos. 73 & 75/2020, it only appears that the present case is a covered case. In that view of the matter, this writ petition is disposed of with a direction to the respondent authorities to examine the claim of the petitioners in the light of FR 27(10) and the O.M dated 15.01.2010 and in the event it is found that they have all acquired the required degree/master degree before their appointment in ZMC as staff Nurse, the benefit of the increments as laid down in the said provisions be granted to them. The entire exercise be completed within a period of 3 (three) months from the date of receipt of a certified copy of this order.

[5.] With the above observations and directions, the Writ Petition accordingly stands disposed of. No cost.

JUDGE

Comparing Assistant