



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

Case No. : WP(C)/49/2023

ALL NAGALAND PWD FIELD WORKERS ASSOCIATION (ANPWDFWA)
AND 2 ORS
REPRESENTED BY THE PRESIDENT SHRI. K. ATOVI AWOMI,
HEADQUARTER-KOHIMA, NAGALAND,
REGD. NO. ED/GSS/RS/2/2033/91-92(PT),
DATED 24-03-1993.

2: ALL NAGALAND PWD FIELD WORKERS ASSOCIATION
(ANPWDFWA)
REPRESENTED BY THE PRESIDENT SHRI.ZUBEMO NGULLIE
HEADQUARTER-KOHIMA
NAGALAND
REGD. NO. ED/GSS/RS/2/2033/91-92(PT)
DATED 24-03-1993.

3: ALL NAGALAND PWD FIELD WORKERS ASSOCIATION
(ANPWDFWA)
REPRESENTED BY THE JOINT SECRETARY SHRI. YANGTAN CHANG
HEADQUARTER-KOHIMA
NAGALAND
REGD. NO. ED/GSS/RS/2/2033/91-92(PT)
DATED 24-03-1993

VERSUS

THE STATE OF NAGALAND AND 7 ORS
THROUGH THE CHIEF SECRETARY TO THE GOVT. OF NAGALAND,
KOHIMA

2:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF
NAGALAND
P AND AR DEPARTMENT
NAGALAND KOHIMA

3:THE FINANCE COMMISSIONER TO THE GOVT. OF NAGALAND
KOHIMA NAGALAND

4:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF
NAGALAND
WORKS AND HOUSING DEPARTMENT
NAGALAND KOHIMA

5:THE ENGINEER-IN-CHIEF
NPWD
NAGALAND KOHIMA

6:THE CHIEF ENGINEER
PUBLIC WORKS DEPARTMENT (R AND B) NAGALAND KOHIMA

7:THE CHIEF ENGINEER
PWD (H)
NAGALAND KOHIMA

8:THE CHIEF ENGINEER
PWD (NH)
KOHIMA NAGALAND

Advocate for the Petitioner : SUPONGWATI WALLING

Advocate for the Respondent : GOVT ADV NL

BEFORE
HON'BLE MR. JUSTICE KAKHETO SEMA

ORDER

Date : 09-04-2024

Heard Mr. Supongwati Walling, learned counsel for the petitioners and Mr. Moa Imchen, learned Sr. Government Advocate for the State respondents.

2. The petitioner is the 'All Nagaland PWD Field Workers Association (ANPWDFWA)' represented by the President, the General Secretary and the Joint Secretary of the Association.

3. The writ petition has been filed for grant of minimum scale of pay to the petitioners' Association (W/C fixed pay employees) under the Department of NPWD, Nagaland as per the relevant rules and in terms of the judgment dated 26/10/2016 passed by the Hon'ble Supreme Court in the State of Punjab & Ors vrs Jagjit Singh & Ors reported in 2017 (1) SCC 148.

4. Today when the matter is listed, Mr. Moa Imchen, the learned Sr. Government Advocate has placed the copy of the Notification dated 16/2/2024 issued by the Chief Secretary to the Government of Nagaland. By the said Notification a Committee has been constituted to work out the various options and to suggest a suitable policy for regulating remuneration and terms of service of the contingency and fixed pay employees after due consultation with various stakeholders. The Notification further provides that the terms of reference for the Committee will be:-

- a) To examine the existing legislation and the Supreme Court directives with regard to pay parity between contingency and regular employees.
- b) Study the policy and practices prevailing in other states in this regard.
- c) To examine various policy options keeping in view the financial resources of the state and the welfare of such employees.
- d) To suggest a suitable policy framework for remuneration of contingency paid employees.

5. Mr. Supongwati Walling, the learned counsel for the petitioner submits that since by the Notification dated 16/2/2024, the Government has constituted the Committee to work out various options and to suggest a suitable policy for reg-

ulating remuneration and terms of service of contingency and fixed pay employees, the writ petition may be disposed of for enabling the Government to work out various options and to take a suitable policy for regulating remuneration and terms of service of contingency and fixed pay employees. The learned Sr. Government Advocate is not averse to the submissions made by the learned counsel for the petitioner.

6. In view of the submissions made by the learned counsel for the parties, this writ petition is disposed of directing the Committee constituted by the State Government to work out various options and to suggest a suitable policies for regulating remuneration and terms of service of contingency and fixed pay employees after due consultation with the stakeholders and in the light of the terms of reference referred to the Committee by the Government within a reasonable period of time, so as to enable the Government to expeditiously take a policy decision for regulating remuneration and terms of service of contingency and fixed pay employees, in accordance with law.

7. The writ petition stands disposed of.

8. The Notification dated 16/2/2024 shall be a part of the record of this case.

**Sd/-
JUDGE**

Comparing Assistant