



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

Case No. : WP(C)/49/2024

SHRI T. TONGLONG KONYAK
S/O TOKHO K
W/C KHALASI
BEARING CODE NO. MON-0597
UNDER THE EXECUTIVE ENGINEER,
PHED MON DIVISION, MON , NAGALAND

VERSUS

THE STATE OF NAGALAND AND 3 ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE
GOVT. OF NAGALAND

2:THE PRINCIPAL SECRETARY
PHED NAGALAND KOHIMA

3:THE CHIEF ENGINEER
PHED NAGALAND KOHIMA

4:THE EXECUTIVE ENGINEER
PHED MON DIVISION
MON NAGALAN

Advocate for the Petitioner : SENTIYANGER

Advocate for the Respondent : GOVT ADV NL

**BEFORE
HON'BLE MR. JUSTICE KAKHETO SEMA**

ORDER

Date : 02-04-2024

Heard Ms. V. Therie, learned counsel for the petitioner.

The present writ petition has been filed seeking for a direction to regularise the service of the petitioner as W/C Khalasi, under the office of the Executive Engineer, PHED, Mon Division, Mon, Nagaland.

The case of the petitioner in brief is that, by the office order dated 25/07/1989 issued by the office of the Executive Engineer, PHED Mon, the petitioner was appointed as a work-charged labour in the scale pay of Rs. 375/- (fixed) p.m. w.e.f 25/07/1989. Thereafter, by the order dated 15/01/2020 issued by the office of the Chief Engineer, PHED, Nagaland, Kohima, the service of the petitioner was upgraded to W/C Khalasi in the scale pay of Rs. 3000-15200/- p.m. with grade pay of Rs. 1300/- w.e.f. 01/01/2020.

It is the case of the petitioner that since the date of his appointment as W/C labour by the order dated 25/07/1989, the petitioner has been serving the department for more than 34 years. The petitioner has accordingly submitted the representation dated 07/02/2024 to the Principal Secretary, PHED, Nagaland, Kohima and to the Chief Engineer, PHED, Nagaland, Kohima, for regularisation of his service. However the same has not been considered by the respondent authorities. It the case of the petitioner that as per the information furnished to the petitioner under the RTI Act, 2005, many of the work-charged employees, some even junior to the petitioner has been regularised, thereby discriminating the petitioner. It is further submitted that the Government of Nagaland, Personnel and Administrative Reforms Department (Administrative Reforms Branch) has published the Office Memorandum dated 17/03/2015, incorporating the scheme for regularisation and absorption of work-charge and casual employees and revision of pay/wages and in terms of the scheme formulated by the Government, it is submitted that, the petitioner's work-charge service can be regularised as the petitioner has completed more than 30 years of service, in the department.

Ms. S. Mere, the learned Sr. Government Advocate for the State respondents submits that the writ petition can be disposed, with the direction to the State respondents, to consider the representation dated 07/02/2024 submitted by the petitioner strictly in terms of the Office Memorandum dated 17/03/2015 issued by the Government. The learned counsel for the petitioner is not averse to the submission made by the learned Sr. Government Advocate.

In view of the submissions made by the learned counsel for the parties, this writ petition is disposed, at the motion stage, by directing the respondent No.2 & 3 to dispose the representation dated 07/02/2024 submitted by the petitioner and to consider the case of the petitioner for regularisation in service strictly in the light of the O.M dated 17/03/2015 issued by the Government. Rejection of the representation dated 07/02/2024, if any, shall be by a speaking order and the same shall be made available to the petitioner without any delay.

The direction given above shall be carried out by the respondents, more particularly, the respondent No. 2 & 3, within a period of 90(Ninety) days from the date of receipt of the copy of the order.

Writ petition disposed.

Sd/-

JUDGE

Comparing Assistant