

GAHC020001972023



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

Case No. : WP(C)/88/2023

SHRI. PANGTEM @ PANGTEM K,
WORK CHARGED KHALASI,
EXECUTIVE ENGINEER, PHED,
MON DIVISION, MON, NAGALAND

VERSUS

THE STATE OF NAGALAND AND 4 ORS
THROUGH THE CHIEF SECRETARY TO THE GOVERNMENT OF NAGALAND,
KOHIMA

2:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
NAGALAND

PERSONNEL AND ADMINISTRATIVE REFORMS
DEPARTMENT
NAGALAND
KOHIMA

3:THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF NAGALAND

PUBLIC HEALTH ENGINEERING DEPARTMENT

NAGALAND
KOHIMA

4:THE CHIEF ENGINEER

PHED
NAGALAND
KOHIMA

5:THE EXECUTIVE ENGINEER

PHED
MON DIVISION

MON
NAGALAN

Advocate for the Petitioner : KEKHRIESENULO

Advocate for the Respondent : GOVT ADV NL

BEFORE
HON'BLE MR. JUSTICE KAKHETO SEMA

ORDER

15.04.2024

Heard Ms. Kekhriesenuo, learned counsel for the petitioner and Ms. A. Ayemi, learned Government Advocate for the State respondents.

2. The present writ petition has been filed by the petitioner seeking for a direction to the State respondents to regularize the service of petitioner in the post of Work-charged *Khalasi* under the Executive Engineer, PHED, Mon Division, as per the Office Memorandum dated 17.03.2015.

3. That by the Office Order dated 25.07.1989, issued by the Executive Engineer, PHED, Mon Division, the petitioner was appointed as Work-charged Labour in the scale of pay of Rs. 375/- (Fixed) per month w.e.f. 25.07.1989. Thereafter, by the Office Order dated 15.01.2020 issued by the Additional Chief Engineer, Office of the Chief Engineer, PHED, Nagaland, Kohima, service of the petitioner as Work-charged Labour was upgraded to Work-charged *Khalasi* in the scale of pay of Rs. 3,000-15,200/- per month with grade pay of Rs. 1,300/- as per the Government administrative approval dated 14.01.2020

w.e.f. 01.01.2020.

4. That on completion of 33 (thirty-three) years of continuous service in the Department, the petitioner submitted the representation dated 25.04.2023 to the Chief Engineer, Public Health Engineering Department, Nagaland, Kohima, for regularization of the petitioner's service in terms of the Office Memorandum dated 17.03.2015, issued by the Government of Nagaland. The representation submitted by the petitioner, however, did not evoke any positive response from the Government.

5. It is the case of the petitioner that having served the Department for a continuous period of 33 (thirty-three) years, the petitioner is eligible to be considered for regularization in service in terms of the Office Memorandum dated 17.03.2015 issued by the Government which formulates the policy of the Government for regularization and absorption of Work-charged and casual employees and the revision of pay/wages. The Government respondent, in the affidavit-in-opposition has annexed the letter dated 17.11.2020, written by the Chief Engineer, Sanitation & WSSO, PHED, Nagaland, Kohima, to the Principal Secretary to the Government of Nagaland, Public Health Engineering Department, Nagaland, Kohima, submitting the proposal for regularization and absorption of Work-charged employees who have completed 30 (thirty) years or more continuous service as on 01.07.2020. In the Annexure-A to the letter dated 17.11.2020 under the Mon Division, the name of petitioner who is at serial No. 86 has also been forwarded in the proposal for regularization and

absorption of Work-charged employees who have completed 30 (thirty) years or more continuous service as on 01.07.2020.

6. Ms. Kekhriesenuo, learned counsel for the petitioner, by referring to the letter dated 17.11.2020 (Annexure-1 to the affidavit-in-opposition) submits that since the name of the petitioner is also included in the proposal for regularization and absorption of Work-charged employees who have completed 30 (thirty) years or more continuous service as on 01.07.2020, the writ petition may be disposed in the light of the letter dated 17.11.2020. Ms. A. Ayemi, learned Government Advocate is not averse to the submission made by the learned counsel for the petitioner.

7. In the light of the submission made by the learned counsel for the parties, the writ petition is disposed of with a direction to the State respondents to consider the letter dated 17.11.2020, written by the Chief Engineer, Sanitation & WSSO, PHED, Nagaland, Kohima, which is the proposal for regularization and absorption of the Work-charged employees who have completed 30 (thirty) years or more continuous service as on 01.07.2020, which also includes the petitioner within a reasonable period of time.

8. The writ petition accordingly stands disposed of.

Sd/-
JUDGE

Comparing Assistant