



**THE GAUHATI HIGH COURT**

(The High Court of Assam, Nagaland, Mizoram and Arunachal Pradesh)

**KOHIMA BENCH**

**Review Petition No. 6/2022**

1. THE STATE OF NAGALAND  
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVT. OF  
NAGALAND, KOHIMA, NAGALAND.
2. THE FINANCIAL COMMISSIONER TO THE GOVT. OF NAGALAND  
NAGALAND KOHIMA.
3. THE COMMISSIONER AND SECRETARY  
DEPARTMENT OF PERSONNEL AND ADMINISTRATIVE REFORMS  
NAGALAND KOHIMA.
4. THE COMMISSIONER AND SECRETARY  
DEPARTMENT OF POWER, NAGALAND, KOHIMA.
5. THE CHIEF ENGINEER  
DEPARTMENT OF POWER,  
NAGALAND, KOHIMA.

**Petitioners.**

VERSUS

1. SMT. MOARENLA,  
BILL ASSISTANT, SUB-DIVISIONAL OFFICER (ELECTRICAL),  
TULI,  
MOKOKCHUNG, NAGALAND.
2. SMTI. PURTULA  
BILL ASSISTANT  
SUB-DIVISIONAL(ELECTRICAL)

CHANGTONGYA, NAGALAND.

3. SMTI. MARLILA  
BILL ASSISTANT,  
SUB-DIVISIONAL(ELECTRICAL)  
CHANGTONGYA, NAGALAND.
4. SMTI. N. ATULA ZO  
BILL ASSISTANT  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
TULI, NAGALAND.
5. SMTI. RONGSENLEMLA  
BILL ASSISTANT  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
YISEMONG, NAGALAND.
6. SMTI. M. ALEMLA  
BILL ASSISTANT  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
TULI, NAGALAND.
7. SHRI. ZANTHUNGO PATTON  
BILL ASSISTANT  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
SANIS, NAGALAND.
8. SHRI. BENATHUNG LOTHIA  
BILL ASSISTANT  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
WOKHA, NAGALAND.
9. SMTI. LOTHUNGI ODYUO  
BILL ASSISTANT  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
WOKHA, NAGALAND.
10. SHRI. IMNA AO  
BILL ASSISTANT  
SUB-DIVISIONAL OFFICER(ELECTRICAL)

WOKHA, NAGALAND.

11. SMTI. KAINI ROSEMARY  
BILL ASSISTANT  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
WOKHA, NAGALAND.
12. SMTI. ASANGLA  
BILL ASSISTANT  
EXECUTIVE ENGINEER(ELECTRICAL)  
MOKOKCHUNG, NAGALAND.
13. SMTI. AOKUMLA  
BILL ASSISTANT  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
NO.1 OFFICE, DIMAPUR ELECT. DIVISION,  
DIMAPUR, NAGALAND.
14. SMTI. KISILU RENGMA  
BILL ASSISTANT  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
NO.1 OFFICE, DIMAPUR ELECT.DIVISION,  
DIMAPUR, NAGALAND.
15. SMTI. RONGSENMENLA  
BILL ASSISTANT  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
NO.1 OFFICE DIMAPUR ELECT. DIVISION,  
DIMAPUR, NAGALAND.
16. SMTI. Y.AKALA  
BILL ASSISTANT  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
NO.1 OFFICE DIMAPUR ELECT. DIVISION,  
DIMAPUR, NAGALAND.
17. SMTI. VESOPOLU CHAKHESANG  
BILL ASSISTANT  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
NO.1 OFFICE DIMAPUR ELECT. DIVISION,

DIMAPUR, NAGALAND.

18. SHRI. MOASUNEP  
BILL ASSISTANT  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
NO.1 OFFICE DIMAPUR ELECT DIVISION,  
DIMAPUR, NAGALAND.
19. SHRI. VIKIYE SEMA  
BILL ASSISTANT  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
CHANGTONGYA, NAGALAND.
20. SHRI. AKOKHE SEMA  
BILL ASSISTANT  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
NO.1 OFFICE DIMAPUR ELECT DIVISION,  
DIMAPUR, NAGALAND.
21. SMTI ARIANG PANEI  
BILL ASSISTANT  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
NO.2 OFFICE DIMAPUR ELECT DIVISION,  
DIMAPUR, NAGALAND.
22. SMTI. PANGERLEMLA AO  
BILL ASSISTANT  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
NO.2 OFFICE DIMAPUR ELECT DIVISION,  
DIMAPUR, NAGALAND.
23. SMTI. AVILI ACHUMI  
BILL ASSISTANT  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
NO.2 OFFICE DIMAPUR ELECT DIVISION,  
DIMAPUR, NAGALAND.
24. SMTI. TIAPENLA  
BILL ASSISTANT  
SUB-DIVISIONAL OFFICER(ELECTRICAL)

NO.2 OFFICE DIMAPUR ELECT DIVISION,  
DIMAPUR, NAGALAND.

25. SMTI. KATILA AO  
BILL ASSISTANT  
EXECUTIVE ENGINEER(ELECTRICAL)  
MOKOKCHUNG, NAGALAND.
26. SMTI. A. MOALEMLA  
BILL ASSISTANT  
EXECUTIVE ENGINEER(ELECTRICAL)  
MOKOKCHUNG, NAGALAND.
27. SMTI. SUSUKALA  
BILL ASSISTANT  
EXECUTIVE ENGINEER(ELECTRICAL)  
MOKOKCHUNG, NAGALAND.
28. SHRI. TEMJENLIBA AO  
BILL ASSISTANT  
EXECUTIVE ENGINEER(ELECTRICAL)  
MOKOKCHUNG, NAGALAND.
29. SMTI. VIHOLI AWOMI  
BILL ASSISTANT  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
NO.3 OFFICE DIMAPUR ELECT DIVISION,  
DIMAPUR, NAGALAND.
30. SHRI. TEMJENYAPANG  
BILL ASSISTANT  
EXECUTIVE ENGINEER(ELECTRICAL)  
MOKOKCHUNG, NAGALAND.
31. SHRI. IMSUTOSHI  
BILL ASSISTANT  
EXECUTIVE ENGINEER(ELECTRICAL)  
MOKOKCHUNG, NAGALAND.
32. SMTI. TIAJUNGLA

- BILL ASSISTANT  
EXECUTIVE ENGINEER(ELECTRICAL)  
MOKOKCHUNG, NAGALAND.
33. SMTI. BENJUNGLEMLA  
BILL ASSISTANT  
EXECUTIVE ENGINEER(ELECTRICAL)  
MOKOKCHUNG, NAGALAND.
34. SHRI. LAMPHA KONYAK  
BILL ASSISTANT  
EXECUTIVE ENGINEER(ELECTRICAL)  
MON, NAGALAND.
35. SHRI. M. NOKYOI KONYAK  
BILL ASSISTANT  
EXECUTIVE ENGINEER(ELECTRICAL)  
MON, NAGALAND.
36. SMTI.Y. LILANG MONYU KONYAK  
BILL ASSISTANT  
EXECUTIVE ENGINEER(ELECTRICAL)  
MON, NAGALAND.
37. SMTI. Y. JALYING  
BILL ASSISTANT  
EXECUTIVE ENGINEER(ELECTRICAL)  
MON, NAGALAND.
38. SMTI. IRENE BELHO  
BILL ASSISTANT  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
NO.1 OFFICE KOHIMA ELECT DIVISION,  
KOHIMA, NAGALAND.
39. SHRI. PUCHOSULE SALE  
BILL ASSISTANT  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
NO.1 OFFICE KOHIMA ELECT DIVISION,  
KOHIMA, NAGALAND.

40. SMTI. NRUBENI LOTH  
BILL ASSISTANT  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
NO.1 OFFICE KOHIMA ELECT DIVISION,  
KOHIMA, NAGALAND.
41. SMTI. KETUESENUO SEKHOSE  
BILL ASSISTANT  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
NO.1 OFFICE KOHIMA ELECT DIVISION,  
KOHIMA, NAGALAND.
42. SMTI. NEINGUNUO  
BILL ASSISTANT  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
NO.1 OFFICE KOHIMA ELECT DIVISION,  
KOHIMA, NAGALAND.
43. SMTI. TEISOVINUO ANGAMI  
BILL ASSISTANT  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
NO.1 OFFICE KOHIMA ELECT DIVISION,  
KOHIMA, NAGALAND.
44. SMTI. YENLIN KONYAK  
BILL ASSISTANT  
EXECUTIVE ENGINEER(ELECTRICAL)  
MON, NAGALAND.
45. SMTI. KHUTOLI CHISHI  
BILL ASSISTANT  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
CHUMUKEDIMA, NAGALAND.
46. SMTI. YASANARO  
BILL ASSISTANT  
EXECUTIVE ENGINEER(ELECTRICAL)  
DIMAPUR, NAGALAND.

47. SMTI. KHALONYI THERIE  
BILL ASSISTANT  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
PFUTSERO, NAGALAND.
48. SHRI. ZHIELHITO-U MERO  
BILL ASSISTANT  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
PFUTSERO, NAGALAND.
49. SMTI. ECHUNGBENI  
BILL ASSISTANT  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
NO.1 OFFICE KOHIMA ELECT DIVISION,  
KOHIMA, NAGALAND.
50. SHRI. SHIEZO  
BILL ASSISTANT  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
PHEK, NAGALAND.
51. SMTI. VEVOLU  
BILL ASSISTANT  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
PHEK, NAGALAND.
52. SMTI. KENEISANO  
BILL ASSISTANT  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
PHEK, NAGALAND.
53. SMTI. SETALU  
BILL ASSISTANT  
SUB-DIVISIONAL OFFICER (ELECTRICAL)  
PHEK, NAGALAND.
54. SHRI. L. WENNYIM KONYAK  
METER READER  
EXECUTIVE ENGINEER (ELECTRICAL)  
MON, NAGALAND.

55. SHRI. B.LONGAU PHOM  
METER READER  
EXECUTIVE ENGINEER (ELECTRICAL)  
MON, NAGALAND.
56. SHRI. PHUTON KONYAK  
METER READER  
EXECUTIVE ENGINEER (ELECTRICAL)  
MON, NAGALAND.
57. SHRI. TSATHRILI SANGTAM  
METER READER  
SUB-DIVISIONAL OFFICER (ELECTRICAL)  
NO.1 OFFICE KOHIMA ELECT DIVISION,  
KOHIMA, NAGALAND.
58. SHRI. RUOKUOVITUO MEPFU-O  
METER READER  
SUB-DIVISIONAL OFFICER (ELECTRICAL)  
NO.1 OFFICE KOHIMA ELECT DIVISION,  
KOHIMA, NAGALAND.
59. SHRI. JOSEPH  
METER READER  
SUB-DIVISIONAL OFFICER (ELECTRICAL)  
PHEK, NAGALAND.
60. SHRI. LIRUSIE  
METER READER  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
PHEK, NAGALAND.
61. SHRI. SHEKHOTA  
METER READER  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
PHEK, NAGALAND.
62. SHRI. K. KHESOH  
METER READER

- SUB-DIVISIONAL OFFICER(ELECTRICAL)  
PHEK, NAGALAND.
63. SHRI. VETAZO  
METER READER  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
PHEK, NAGALAND.
64. SHRI. DINO BASUMATARI  
METER READER  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
NO.1 OFFICE KOHIMA ELECT DIVISION,  
KOHIMA, NAGALAND.
65. SHRI. TSOPOTHUNG  
METER READER  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
NO.1 OFFICE KOHIMA ELECT DIVISION,  
KOHIMA, NAGALAND.
66. SHRI. Y. NOKHAM K  
METER READER  
EXECUTIVE ENGINEER(ELECTRICAL)  
MON, NAGALAND.
67. SHRI. C. WONPE PHOM  
METER READER  
EXECUTIVE ENGINEER(ELECTRICAL)  
MON, NAGALAND.
68. SHRI. YEKAHO V.  
METER READER  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
NO.1 OFFICE KOHIMA ELECT DIVISION,  
KOHIMA, NAGALAND.
69. SHRI. SALUVI SEMA  
METER READER  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
NO.1 OFFICE KOHIMA ELECT DIVISION,

KOHIMA, NAGALAND.

70. SHRI. TOKISHE  
METER READER  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
NO.1 OFFICE KOHIMA ELECT DIVISION,  
KOHIMA, NAGALAND.
71. SHRI. NEITSUPE WETSAH  
METER READER  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
PFUTSERO, NAGALAND.
72. SHRI. N. TAZUNG  
METER READER  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
CHANGTONGYA, NAGALAND.
73. SHRI. ABEN LOTH A  
METER READER  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
NO.2 OFFICE KOHIMA ELECT DIVISION,  
KOHIMA, NAGALAND.
74. SHRI. CHENYAWA MAGH RENGMA  
METER READER  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
WOKHA, NAGALAND.
75. SHRI. TIMOTHY LOTH A  
METER READER  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
MOKOKCHUNG, NAGALAND.
76. SHRI. MOTSUO LOTH A  
METER READER  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
WOKHA, NAGALAND.
77. SHRI. KINSAMO LOTH A

METER READER  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
SANIS, NAGALAND.

78. SHRI. SEYEIKIETUO  
METER READER  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
NO.1 OFFICE KOHIMA ELECT DIVISION,  
KOHIMA, NAGALAND.
79. SHRI. WONIMO  
METER READER  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
SANIS, NAGALAND.
80. SHRI. DAVID YEPHO  
METER READER  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
WOKHA, NAGALAND.
81. SHRI. HOSHIKA  
METER READER  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
SANIS, NAGALAND.
82. SHRI. INAVI I. CHISHI  
METER READER  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
SANIS, NAGALAND.
83. SHRI. G. HEVIS WOTSA  
METER READER  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
WOKHA, NAGALAND.
84. SHRI. H. EYENGBEMO KIKON  
METER READER  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
WOKHA, NAGALAND.

85. SHRI. TOMUKUM  
METER READER  
EXECUTIVE ENGINEER(ELECTRICAL)  
TUENSANG, NAGALAND.
86. SHRI. KHRIEZOTUO DZUVICHU  
METER READER  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
NO.1 OFFICE KOHIMA ELECT DIVISION,  
KOHIMA, NAGALAND.
87. SHRI. H. NOKRUMBA YIMCHUNGER  
METER READER  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
TUENSANG, NAGALAND.
88. SHRI. PUCHIO KHIAMNIUNGAM  
METER READER  
EXECUTIVE ENGINEER(ELECTRICAL)  
TUENSANG, NAGALAND.
89. SHRI. TALITSUDEN  
METER READER  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
NO.1 OFFICE DIMAPUR ELECT DIVISION,  
DIMAPUR, NAGALAND.
90. SHRI. K.L. MEREN  
METER READER  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
NO.1 OFFICE DIMAPUR ELECT DIVISION,  
DIMAPUR, NAGALAND.
91. SMTI. K. PANGERLEMLA  
METER READER  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
NO.1 OFFICE DIMAPUR ELECT DIVISION,  
DIMAPUR, NAGALAND.
92. SHRI. RISA AO

METER READER  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
NO.1 OFFICE DIMAPUR ELECT DIVISION,  
DIMAPUR, NAGALAND.

93. SHRI. MOATEMJEN JAMIR  
METER READER  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
NO.1 OFFICE DIMAPUR ELECT DIVISION,  
DIMAPUR, NAGALAND.
94. SHRI. KISHETO  
METER READER  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
NO.1 OFFICE DIMAPUR ELECT DIVISION,  
DIMAPUR, NAGALAND.
95. SHRI. LAMMANG  
METER READER  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
NO.1 OFFICE DIMAPUR ELECT DIVISION,  
DIMAPUR, NAGALAND.
96. SHRI. NYIMTHUNGO LOTH  
METER READER  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
NO.2 OFFICE DIMAPUR ELECT DIVISION,  
DIMAPUR, NAGALAND.
97. SHRI. IMTITOSHI  
METER READER  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
NO.2 OFFICE DIMAPUR ELECT DIVISION,  
DIMAPUR, NAGALAND.
98. SHRI. NUNGSHIYANGER  
METER READER  
EXECUTIVE ENGINEER(ELECTRICAL)  
MOKOKCHUNG, NAGALAND.

99. SHRI. SAKUMEREN  
METER READER  
EXECUTIVE ENGINEER(ELECTRICAL)  
MOKOKCHUNG, NAGALAND.

100. SHRI. RONGSENMEREN  
METER READER  
EXECUTIVE ENGINEER(ELECTRICAL)  
MOKOKCHUNG, NAGALAND.

**Respondents.**

Advocate for the Petitioners : Mr. I. Imsong, Addl.AG, Nagaland.

Advocate for the Respondents : Mr. S. Walling

**Review Petition No. 7/2022**

1. THE STATE OF NAGALAND  
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVT. OF  
NAGALAND.
2. THE FINANCIAL COMMISSIONER TO THE GOVERNMENT OF  
NAGALAND, NAGALAND, KOHIMA.
3. THE COMMISSIONER AND SECRETARY  
DEPARTMENT OF POWER, NAGALAND,  
KOHIMA.
4. THE CHIEF ENGINEER,  
DEPARTMENT OF POWER, NAGALAND, KOHIMA.

**Petitioners.**

VERSUS

1. SHRI. ONGHA PHOM,

- JUGALI,  
EXECUTIVE ENGINEER (ELECTRICAL)  
CHANGTONGYA, NAGALAND.
2. SHRI. YEZEHEHO  
JUGALI  
EXECUTIVE ENGINEER(ELECTRICAL)  
KOHIMA, NAGALAND.
  3. SHRI.K. PANWANG  
JUGALI  
EXECUTIVE ENGINEER(ELECTRICAL)  
KOHIMA, NAGALAND.
  4. SHRI. KENNY LOTHAN  
JUGALI  
EXECUTIVE ENGINEER(ELECTRICAL)  
WOKHA, NAGALAND.
  5. SHRI. ISAK SEMA  
JUGALI  
EXECUTIVE ENGINEER(ELECTRICAL)  
CHUMUKEDIMA, NAGALAND.
  6. SHRI. MHOBEMO LOTHAN  
ASST. LINEMAN  
EXECUTIVE ENGINEER(ELECTRICAL)  
WOKHA, NAGALAND.
  7. SHRI. P. THANGKEM  
JUGALI  
EXECUTIVE ENGINEER(ELECTRICAL)  
MON, NAGALAND.
  8. SHRI. YANPOTHUNG  
ASST. LINEMAN  
EXECUTIVE ENGINEER(ELECTRICAL)  
DIMAPUR, NAGALAND.
  9. SHRI. NZANBEMO LOTHAN

- JUGALI  
EXECUTIVE ENGINEER(ELECTRICAL)  
DIMAPUR, NAGALAND.
10. SHRI. LIPSON SANGMA  
JUGALI  
EXECUTIVE ENGINEER(ELECTRICAL)  
KOHIMA, NAGALAND.
11. SHRI. SEKHOTSO  
JUGALI  
EXECUTIVE ENGINEER(ELECTRICAL)  
PHEK, NAGALAND.
12. SHRI. HEZHETO SUMI  
JUGALI  
EXECUTIVE ENGINEER(ELECTRICAL)  
ZUNHEBOTO, NAGALAND.
13. SHRI. KHEHOTO  
JUGALI  
EXECUTIVE ENGINEER(ELECTRICAL)  
CHANGTONGYA, NAGALAND.
14. SHRI. K. THRONGSO YIM  
ASST. LINEMAN  
EXECUTIVE ENGINEER(ELECTRICAL)  
DIMAPUR, NAGALAND.
15. SHRI. MAPUNUNGSANG  
JUGALI  
EXECUTIVE ENGINEER(ELECTRICAL)  
KOHIMA, NAGALAND.
16. SHRI. NZIO LOTH  
JUGALI  
EXECUTIVE ENGINEER(ELECTRICAL)  
WOKHA, NAGALAND.
17. SHRI. YANGLISE SANGTAM

- JUGALI  
EXECUTIVE ENGINEER(ELECTRICAL)  
DIMAPUR, NAGALAND.
18. SHRI. LAL BAHADUR  
JUGALI  
EXECUTIVE ENGINEER(ELECTRICAL)  
KOHIMA, NAGALAND.
19. SHRI. L. HANGNYU KONYAK  
LINEMAN  
EXECUTIVE ENGINEER(ELECTRICAL)  
MON, NAGALAND.
20. SHRI. TANGSA  
JUGALI  
EXECUTIVE ENGINEER(ELECTRICAL)  
CHANGTONGYA, NAGALAND.
21. SHRI. MD. MANIK  
JUGALI  
EXECUTIVE ENGINEER(ELECTRICAL)  
WOKHA, NAGALAND.
22. SHRI. L. NYIMSHIO LOTH  
JUGALI  
EXECUTIVE ENGINEER(ELECTRICAL)  
WOKHA, NAGALAND.
23. SHRI. LUMCHIO MURRY  
JUGALI  
EXECUTIVE ENGINEER(ELECTRICAL)  
WOKHA, NAGALAND.
24. SHRI. K. WOPANSO LOTH  
JUGALI  
EXECUTIVE ENGINEER(ELECTRICAL)  
WOKHA, NAGALAND.
25. SHRI. CHICHAMO LOTH

- JUGALI  
EXECUTIVE ENGINEER(ELECTRICAL)  
WOKHA, NAGALAND.
26. SHRI. N. PHOWANG KONYAK  
ASST. LINEMAN  
EXECUTIVE ENGINEER(GENERATION)  
KOHIMA, NAGALAND.
27. SHRI. C.CHOLLEM CHANG  
JUGALI  
EXECUTIVE ENGINEER(ELECTRICAL)  
TUENSANG, NAGALAND.
28. SHRI. LIMAWAPANG  
JUGALI  
EXECUTIVE ENGINEER(ELECTRICAL)  
MOKOKCHUNG, NAGALAND.
29. SHRI. AOSANGPANG  
JUGALI  
EXECUTIVE ENGINEER(ELECTRICAL)  
MOKOKCHUNG, NAGALAND.
30. SHRI. IMLIKABA  
JUGALI  
EXECUTIVE ENGINEER(ELECTRICAL)  
MOKOKCHUNG, NAGALAND.
31. SHRI. NDANGBE ZELIANG  
JUGALI  
EXECUTIVE ENGINEER(ELECTRICAL)  
PEREN, NAGALAND.
32. SHRI. GARO SIMON  
JUGALI  
EXECUTIVE ENGINEER(ELECTRICAL)  
CHUMUKEDIMA, NAGALAND.

33. SHRI. HOKISHE SEMA  
JUGALI  
EXECUTIVE ENGINEER(ELECTRICAL)  
CHUMUKEDIMA, NAGALAND.
34. SHRI. SALUTO SEMA  
JUGALI  
EXECUTIVE ENGINEER(ELECTRICAL)  
CHUMUKEDIMA, NAGALAND.
35. SHRI. ATHRIMO YIM  
JUGALI  
EXECUTIVE ENGINEER(ELECTRICAL)  
CHUMUKEDIMA, NAGALAND.
36. SHRI. HUKOVI SEMA  
JUGALI  
EXECUTIVE ENGINEER(ELECTRICAL)  
CHUMUKEDIMA, NAGALAND.
37. SHRI. BIREN GOGOI  
ASST. LINEMAN  
EXECUTIVE ENGINEER(ELECTRICAL)  
KOHIMA, NAGALAND.
38. SHRI. C. LIANG KHIAM  
JUGALI  
EXECUTIVE ENGINEER(ELECTRICAL)  
TUENSANG, NAGALAND.
39. SHRI. PANGAN KHIAM  
JUGALI  
EXECUTIVE ENGINEER(ELECTRICAL)  
TUENSANG, NAGALAND.
40. SMTI. SENTILEMLA CHANG  
JUGALI  
EXECUTIVE ENGINEER(ELECTRICAL)  
TUENSANG, NAGALAND.

41. SHRI. NOVOTHO  
JUGALI  
EXECUTIVE ENGINEER(ELECTRICAL)  
CHANGTONGYA, NAGALAND.
42. SHRI. WELHENYI  
JUGALI  
EXECUTIVE ENGINEER(ELECTRICAL)  
PHEK, NAGALAND.
43. SHRI. SITARAM NADU  
JUGALI  
EXECUTIVE ENGINEER(ELECTRICAL)  
DIMAPUR, NAGALAND.
44. SHRI. TOSHIKABA  
LINEMAN  
EXECUTIVE ENGINEER(ELECTRICAL)  
MOKOKCHUNG, NAGALAND.
45. SHRI. LANUREMBA  
LINEMAN  
EXECUTIVE ENGINEER(ELECTRICAL)  
MOKOKCHUNG, NAGALAND.
46. SHRI. RUDUPOYI  
JUGALI  
EXECUTIVE ENGINEER(ELECTRICAL)  
PHEK, NAGALAND.
47. SHRI. S.DAS  
JUGALI  
EXECUTIVE ENGINEER(ELECTRICAL)  
MOKOKCHUNG, NAGALAND.
48. SHRI. ZAKIE WEKHO  
JUGALI  
EXECUTIVE ENGINEER(ELECTRICAL)  
KOHIMA, NAGALAND.

49. SHRI. RAM PUKAR SHAH  
JUGALI  
EXECUTIVE ENGINEER(ELECTRICAL)  
KOHIMA, NAGALAND.

50. SHRI. IMOLANGBA  
JUGALI  
EXECUTIVE ENGINEER(ELECTRICAL)  
KOHIMA, NAGALAND.

**Respondents.**

Advocate for the Petitioners : Mr. I. Imsong,  
Addl.AG, Nagaland.

Advocate for the Respondents : Mr. S Walling.

**Review Petition No. 8/2022**

1. THE STATE OF NAGALAND  
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVT. OF  
NAGALAND.
2. THE FINANCIAL COMMISSIONER TO THE GOVERNMENT OF  
NAGALAND, NAGALAND, KOHIMA.
3. THE COMMISSIONER AND SECRETARY  
DEPARTMENT OF POWER, NAGALAND,  
KOHIMA.
4. THE CHIEF ENGINEER,  
DEPARTMENT OF POWER, NAGALAND, KOHIMA.

**Petitioners.**

VERSUS

1. SMT. MOARENLA,

BILL ASSISTANT, SUB-DIVISIONAL OFFICER (ELECTRICAL),  
TULI, MOKOKCHUNG, NAGALAND.

2. SMTI. PURTULA  
BILL ASSISTANT  
SUB-DIVISIONAL(ELECTRICAL)  
CHANGTONGYA, NAGALAND.
3. SMTI. MARLILA  
BILL ASSISTANT,  
SUB-DIVISIONAL(ELECTRICAL)  
CHANGTONGYA, NAGALAND.
4. SMTI. N. ATULA ZO  
BILL ASSISTANT  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
TULI, NAGALAND.
5. SMTI. RONGSENLEMLA  
BILL ASSISTANT  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
YISEMONG, NAGALAND.
6. SMTI. M. ALEMLA  
BILL ASSISTANT  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
TULI, NAGALAND.
7. SHRI. ZANTHUNGO PATTON  
BILL ASSISTANT  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
SANIS, NAGALAND.
8. SHRI. BENATHUNG LOTHAN  
BILL ASSISTANT  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
WOKHA, NAGALAND.
9. SMTI. LOTHUNGI ODYUO  
BILL ASSISTANT

SUB-DIVISIONAL OFFICER(ELECTRICAL)  
WOKHA, NAGALAND.

10. SHRI. IMNA AO  
BILL ASSISTANT  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
WOKHA, NAGALAND.
11. SMTI. KAINI ROSEMARY  
BILL ASSISTANT  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
WOKHA, NAGALAND.
12. SMTI. ASANGLA  
BILL ASSISTANT  
EXECUTIVE ENGINEER(ELECTRICAL)  
MOKOKCHUNG, NAGALAND.
13. SMTI. AOKUMLA  
BILL ASSISTANT  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
NO.1 OFFICE, DIMAPUR ELECT. DIVISION,  
DIMAPUR, NAGALAND.
14. SMTI. KISILU RENGMA  
BILL ASSISTANT  
SUB-DIVISIONAL OFFICER (ELECTRICAL)  
NO.1 OFFICE, DIMAPUR ELECT.DIVISION,  
DIMAPUR, NAGALAND.
15. SMTI. RONGSENMENLA  
BILL ASSISTANT  
SUB-DIVISIONAL OFFICER (ELECTRICAL)  
NO.1 OFFICE DIMAPUR ELECT. DIVISION,  
DIMAPUR, NAGALAND.
16. SMTI. Y.AKALA  
BILL ASSISTANT  
SUB-DIVISIONAL OFFICER (ELECTRICAL)  
NO.1 OFFICE DIMAPUR ELECT. DIVISION,

DIMAPUR, NAGALAND.

17. SMTI. VESOPOLU CHAKHESANG  
BILL ASSISTANT  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
NO.1 OFFICE DIMAPUR ELECT. DIVISION,  
DIMAPUR, NAGALAND.
18. SHRI. MOASUNEP  
BILL ASSISTANT  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
NO.1 OFFICE DIMAPUR ELECT DIVISION,  
DIMAPUR, NAGALAND.
19. SHRI. VIKIYE SEMA  
BILL ASSISTANT  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
CHANGTONGYA, NAGALAND.
20. SHRI. AKOKHE SEMA  
BILL ASSISTANT  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
NO.1 OFFICE DIMAPUR ELECT DIVISION,  
DIMAPUR, NAGALAND.
21. SMTI ARIANG PANEI  
BILL ASSISTANT  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
NO.2 OFFICE DIMAPUR ELECT DIVISION,  
DIMAPUR, NAGALAND.
22. SMTI. PANGERLEMLA AO  
BILL ASSISTANT  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
NO.2 OFFICE DIMAPUR ELECT DIVISION,  
DIMAPUR, NAGALAND.
23. SMTI. AVILI ACHUMI  
BILL ASSISTANT  
SUB-DIVISIONAL OFFICER(ELECTRICAL)

NO.2 OFFICE DIMAPUR ELECT DIVISION,  
DIMAPUR, NAGALAND.

24. SMTI. TIAPENLA  
BILL ASSISTANT  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
NO.2 OFFICE DIMAPUR ELECT DIVISION,  
DIMAPUR, NAGALAND.
25. SMTI. KATILA AO  
BILL ASSISTANT  
EXECUTIVE ENGINEER(ELECTRICAL)  
MOKOKCHUNG, NAGALAND.
26. SMTI. A. MOALEMLA  
BILL ASSISTANT  
EXECUTIVE ENGINEER(ELECTRICAL)  
MOKOKCHUNG, NAGALAND.
27. SMTI. SUSUKALA  
BILL ASSISTANT  
EXECUTIVE ENGINEER(ELECTRICAL)  
MOKOKCHUNG, NAGALAND.
28. SHRI. TEMJENLIBA AO  
BILL ASSISTANT  
EXECUTIVE ENGINEER(ELECTRICAL)  
MOKOKCHUNG, NAGALAND.
29. SMTI. VIHOLI AWOMI  
BILL ASSISTANT  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
NO.3 OFFICE DIMAPUR ELECT DIVISION,  
DIMAPUR, NAGALAND.
30. SHRI. TEMJENYAPANG  
BILL ASSISTANT  
EXECUTIVE ENGINEER(ELECTRICAL)  
MOKOKCHUNG, NAGALAND.

31. SHRI. IMSUTOSHI  
BILL ASSISTANT  
EXECUTIVE ENGINEER(ELECTRICAL)  
MOKOKCHUNG, NAGALAND.
32. SMTI. TIAJUNGLA  
BILL ASSISTANT  
EXECUTIVE ENGINEER(ELECTRICAL)  
MOKOKCHUNG, NAGALAND.
33. SMTI. BENJUNGLEMLA  
BILL ASSISTANT  
EXECUTIVE ENGINEER(ELECTRICAL)  
MOKOKCHUNG, NAGALAND.
34. SHRI. LAMPHA KONYAK  
BILL ASSISTANT  
EXECUTIVE ENGINEER(ELECTRICAL)  
MON, NAGALAND.
35. SHRI. M. NOKYOI KONYAK  
BILL ASSISTANT  
EXECUTIVE ENGINEER(ELECTRICAL)  
MON, NAGALAND.
36. SMTI.Y. LILANG MONYU KONYAK  
BILL ASSISTANT  
EXECUTIVE ENGINEER(ELECTRICAL)  
MON, NAGALAND.
37. SMTI. Y. JALYING  
BILL ASSISTANT  
EXECUTIVE ENGINEER(ELECTRICAL)  
MON, NAGALAND.
38. SMTI. IRENE BELHO  
BILL ASSISTANT  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
NO.1 OFFICE KOHIMA ELECT DIVISION,  
KOHIMA, NAGALAND.

39. SHRI. PUCHOSULE SALE  
BILL ASSISTANT  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
NO.1 OFFICE KOHIMA ELECT DIVISION,  
KOHIMA, NAGALAND.
40. SMTI. NRUBENI LOTHAN  
BILL ASSISTANT  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
NO.1 OFFICE KOHIMA ELECT DIVISION,  
KOHIMA, NAGALAND.
41. SMTI. KETUESENUO SEKHOS  
BILL ASSISTANT  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
NO.1 OFFICE KOHIMA ELECT DIVISION,  
KOHIMA, NAGALAND.
42. SMTI. NEINGUNUO  
BILL ASSISTANT  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
NO.1 OFFICE KOHIMA ELECT DIVISION,  
KOHIMA, NAGALAND.
43. SMTI. TEISOVINUO ANGAMI  
BILL ASSISTANT  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
NO.1 OFFICE KOHIMA ELECT DIVISION,  
KOHIMA, NAGALAND.
44. SMTI. YENLIN KONYAK  
BILL ASSISTANT  
EXECUTIVE ENGINEER(ELECTRICAL)  
MON, NAGALAND.
45. SMTI. KHUTOLI CHISHI  
BILL ASSISTANT  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
CHUMUKEDIMA, NAGALAND.

46. SMTI. YASANARO  
BILL ASSISTANT  
EXECUTIVE ENGINEER(ELECTRICAL)  
DIMAPUR, NAGALAND.
47. SMTI. KHALONYI THERIE  
BILL ASSISTANT  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
PFUTSERO, NAGALAND.
48. SHRI. ZHIELHITO-U MERO  
BILL ASSISTANT  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
PFUTSERO, NAGALAND.
49. SMTI. ECHUNGBENI  
BILL ASSISTANT  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
NO.1 OFFICE KOHIMA ELECT DIVISION,  
KOHIMA, NAGALAND.
50. SHRI. SHIEZO  
BILL ASSISTANT  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
PHEK, NAGALAND.
51. SMTI. VEVOLU  
BILL ASSISTANT  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
PHEK, NAGALAND.
52. SMTI. KENEISANO  
BILL ASSISTANT  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
PHEK, NAGALAND.
53. SMTI. SETALU  
BILL ASSISTANT  
SUB-DIVISIONAL OFFICER(ELECTRICAL)

PHEK, NAGALAND.

54. SHRI. L. WENNYIM KONYAK  
METER READER  
EXECUTIVE ENGINEER(ELECTRICAL)  
MON, NAGALAND.
55. SHRI. B.LONGAU PHOM  
METER READER  
EXECUTIVE ENGINEER(ELECTRICAL)  
MON, NAGALAND.
56. SHRI. PHUTON KONYAK  
METER READER  
EXECUTIVE ENGINEER(ELECTRICAL)  
MON, NAGALAND.
57. SHRI. TSATHRILI SANGTAM  
METER READER  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
NO.1 OFFICE KOHIMA ELECT DIVISION,  
KOHIMA, NAGALAND.
58. SHRI. RUOKUOVITUO MEPFU-O  
METER READER  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
NO.1 OFFICE KOHIMA ELECT DIVISION,  
KOHIMA, NAGALAND.
59. SHRI. JOSEPH  
METER READER  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
PHEK, NAGALAND.
60. SHRI. LIRUSIE  
METER READER  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
PHEK, NAGALAND.
61. SHRI. SHEKHOTA

- METER READER  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
PHEK, NAGALAND.
62. SHRI. K. KHESOH  
METER READER  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
PHEK, NAGALAND.
63. SHRI. VETAZO  
METER READER  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
PHEK, NAGALAND.
64. SHRI. DINO BASUMATARI  
METER READER  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
NO.1 OFFICE KOHIMA ELECT DIVISION,  
KOHIMA, NAGALAND.
65. SHRI. TSOPOTHUNG  
METER READER  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
NO.1 OFFICE KOHIMA ELECT DIVISION,  
KOHIMA, NAGALAND.
66. SHRI. Y. NOKHAM K  
METER READER  
EXECUTIVE ENGINEER(ELECTRICAL)  
MON, NAGALAND.
67. SHRI. C. WONPE PHOM  
METER READER  
EXECUTIVE ENGINEER(ELECTRICAL)  
MON, NAGALAND.
68. SHRI. YEKAHO V.  
METER READER  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
NO.1 OFFICE KOHIMA ELECT DIVISION,

KOHIMA, NAGALAND.

69. SHRI. SALUVI SEMA  
METER READER  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
NO.1 OFFICE KOHIMA ELECT DIVISION,  
KOHIMA, NAGALAND.
70. SHRI. TOKISHE  
METER READER  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
NO.1 OFFICE KOHIMA ELECT DIVISION,  
KOHIMA, NAGALAND.
71. SHRI. NEITSUPE WETSAH  
METER READER  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
PFUTSERO, NAGALAND.
72. SHRI. N. TAZUNG  
METER READER  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
CHANGTONGYA, NAGALAND.
73. SHRI. ABEN LOTH  
METER READER  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
NO.2 OFFICE KOHIMA ELECT DIVISION,  
KOHIMA, NAGALAND.
74. SHRI. CHENYAWA MAGH RENGMA  
METER READER  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
WOKHA, NAGALAND.
75. SHRI. TIMOTHY LOTH  
METER READER  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
MOKOKCHUNG, NAGALAND.

76. SHRI. MOTSUO LOTH  
METER READER  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
WOKHA, NAGALAND.
77. SHRI. KINSAMO LOTH  
METER READER  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
SANIS, NAGALAND.
78. SHRI. SEYEIKIETUO  
METER READER  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
NO.1 OFFICE KOHIMA ELECT DIVISION,  
KOHIMA, NAGALAND.
79. SHRI. WONIMO  
METER READER  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
SANIS, NAGALAND.
80. SHRI. DAVID YEPHTO  
METER READER  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
WOKHA, NAGALAND.
81. SHRI. HOSHIKA  
METER READER  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
SANIS, NAGALAND.
82. SHRI. INAVI I. CHISHI  
METER READER  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
SANIS, NAGALAND.
83. SHRI. G. HEVIS WOTSA  
METER READER  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
WOKHA, NAGALAND.

84. SHRI. H. EYENGBEMO KIKON  
METER READER  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
WOKHA, NAGALAND.
85. SHRI. TOMUKUM  
METER READER  
EXECUTIVE ENGINEER(ELECTRICAL)  
TUENSANG, NAGALAND.
86. SHRI. KHRIEZOTUO DZUVICHU  
METER READER  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
NO.1 OFFICE KOHIMA ELECT DIVISION,  
KOHIMA, NAGALAND.
87. SHRI. H. NOKRUMBA YIMCHUNGER  
METER READER  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
TUENSANG, NAGALAND.
88. SHRI. PUCHIO KHIAMNIUNGAM  
METER READER  
EXECUTIVE ENGINEER(ELECTRICAL)  
TUENSANG, NAGALAND.
89. SHRI. TALITSUDEN  
METER READER  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
NO.1 OFFICE DIMAPUR ELECT DIVISION,  
DIMAPUR, NAGALAND.
90. SHRI. K.L. MEREN  
METER READER  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
NO.1 OFFICE DIMAPUR ELECT DIVISION,  
DIMAPUR, NAGALAND.
91. SMTI. K. PANGERLEMLA  
METER READER

SUB-DIVISIONAL OFFICER(ELECTRICAL)  
NO.1 OFFICE DIMAPUR ELECT DIVISION,  
DIMAPUR, NAGALAND.

92. SHRI. RISA AO  
METER READER  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
NO.1 OFFICE DIMAPUR ELECT DIVISION,  
DIMAPUR, NAGALAND.
93. SHRI. MOATEMJEN JAMIR  
METER READER  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
NO.1 OFFICE DIMAPUR ELECT DIVISION,  
DIMAPUR, NAGALAND.
94. SHRI. KISHETO  
METER READER  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
NO.1 OFFICE DIMAPUR ELECT DIVISION,  
DIMAPUR, NAGALAND.
95. SHRI. LAMMANG  
METER READER  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
NO.1 OFFICE DIMAPUR ELECT DIVISION,  
DIMAPUR, NAGALAND.
96. SHRI. NYIMTHUNGO LOTH  
METER READER  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
NO.2 OFFICE DIMAPUR ELECT DIVISION,  
DIMAPUR, NAGALAND.
97. SHRI. IMTITOSHI  
METER READER  
SUB-DIVISIONAL OFFICER(ELECTRICAL)  
NO.2 OFFICE DIMAPUR ELECT DIVISION,  
DIMAPUR, NAGALAND.

98. SHRI. NUNGSHIYANGER  
METER READER  
EXECUTIVE ENGINEER(ELECTRICAL)  
MOKOKCHUNG, NAGALAND.
99. SHRI. SAKUMEREN  
METER READER  
EXECUTIVE ENGINEER(ELECTRICAL)  
MOKOKCHUNG, NAGALAND.
100. SHRI. RONGSENMEREN  
METER READER  
EXECUTIVE ENGINEER(ELECTRICAL)  
MOKOKCHUNG, NAGALAND.

**Respondents.**

Advocate for the Petitioners : Mr. I. Imsong, Addl.AG,  
Nagaland.

Advocate for the Respondents : Mr. S. Walling

**BEFORE**

**HON'BLE MR. JUSTICE ROBIN PHUKAN**

Date of Hearing : 22.03.2024

Date of Judgment : 28.05.2024

**JUDGMENT & ORDER**

Heard Mr. Imti Imsong, learned Additional Advocate General, Govt of Nagaland for the review petitioners. And also heard Mr. Supongwati Walling, learned counsel for the respondents.

**2.** This review application No. 08/2022, under Order XLVII Rule 1 of the Code of Civil Procedure (CPC), read with Sections 114 of the CPC and Chapter X of the Gauhati High Court Rules, is preferred by four applicants, namely, the State of Nagaland, represented by Chief Secretary, Govt. of Nagaland, The Finance Commissioner, Govt. of Nagaland, Commissioner and Secretary, Department of Power, Nagaland, Chief Engineer, Department of Power, Nagaland for reviewing the judgment and order, dated 20.09.2019, passed by this court in W.P.(C)No. 202(K)/2017.

**3.** And review application No. 06/2022 is preferred by the same applicants for reviewing the same common judgment and order dated 20.09.2019, passed by this court in W.P.(C) 237(K)/2018.

**4.** And review application No. 07/2022 is also being preferred by the same applicants for reviewing the same common judgment and order dated 20.09.2019, passed by this court in W.P.(C) 201 (K)/2017

**5.** As all these three review applications are being preferred by the against the same common judgment and order dated 20.09.2019, and the applicants being the same in all three applications and as identical grounds are being taken in all the applications, it is proposed to dispose of the same by this common judgment and order.

**6.** The background facts, leading to filing of the present petition are adumbrated herein below:-

"The respondents/opposite parties, in all the three review applications, were initially appointed to different posts, on work charged basis, as Unskilled Labour/Work charged Labour/Jugali in the Department of Power, Government of Nagaland, Kohima on fixed pay. Subsequently, they were granted Time Scale of Pay. The respondents/opposite parties were treated at par with the regular employees holding identical posts, till Revision of Pay Rules, 1993 (ROP Rules, 1993, in short) by virtue of Rule 2(b) of the said Rules. But, they were excluded from the preview of ROP Rules, 1999 onwards.

Thereafter, the services of the respondents/opposite parties were regularized, but, their salaries were fixed at the initial scale of pay without counting the increments and promotional increments, earned under ROP Rules, 1993. Whereas, the contract employees/ad-hoc/provisional employees, who are excluded from the ROP Rules, 1999 and 2010 have been granted the benefits of pay fixation under the said Rules and all other service benefits, such as increment, leave and pension have been granted to the contract employees/ad-hoc/provisional employees.

The respondents/opposite parties in this application, then instituted three Writ proceedings, being W.P.(C)No. 202(K)/2017 and W.P.(C) 237(K)/2018, and W.P.(C) No. 201(K)/2017, seeking following relief(s):-

1. *To make an observation that the instant petitioners were not appointed and treated as work-charged employees',*

*during their work-charge employment as defined by the Nagaland PWD Code and the Nagaland Work-charge and Casual employees Regulation Act, 2001;*

- 2. To make an observation that the Petitioners work charge services cannot be equated with other work charge employees appointed elsewhere;*
- 3. To make an observation that the petitioners' services during their work-charge employment were utilized on a regular footing as their regular counterpart;*
- 4. And on the basis of such observations, to partially relax Rule 2(b)(1) of the Nagaland Services (Revision of Pay) Rules, 1999 and Rule 2(b)(i) of the Nagaland Services (Revision Of Pay) Rules, 2010, by invoking Rule 3 and Rule 4 of the said Rules respectively for the purpose of notional fixation of pay under Nagaland Services (Revision Of Pay) Rules, 1999 and 2010 and thereafter, to count the increments and promotional increment earned by the strength of Revision of Pay Rules, 1993;*
- 5. To apply the same yardstick to the petitioners, as applied to contract, adhoc and provisional employees extending the benefit of counting the past service for all other service benefits such as increment, leave and notional fixation of pay under Nagaland Services (Revision Of Pay) Rules 1999 and 2010;*
- 6. To quash and set aside Impugned O.M. No.AR-3/GEN-201/2009 dated, Kohima, the 17th March, 2015*

*(specifically) condition No. 1(1)(e) 'qua' the petitioners who have been regularized after the said O.M.*

Thereafter, hearing both sides, this court was pleased to dispose of the said writ petitions, being W.P.(C)No. 202(K)/2017 and W.P.(C) 237(K)/2018, with the following direction:-

*"7. .... In view of what has been stated above, the prayer of the writ petitioners is allowed and the impugned Office letter No. FIN/ROP/V- PC/IPS/2000, dated Kohima, the 19th April, 2001 and the impugned Office letter No. FIN/ROP/V- PC/2000 (Pt), dated Kohima, the 22nd May, 2002 are quashed and set aside.*

*Accordingly, the State respondents are hereby directed to re-fix the pay and allowances of the petitioners at the time of their regularization by taking into account the increments already earned by them during their work-charged services as per the relevant rules of ROP, 1993 and thereafter, re- fix their later pays. However, arrears which may accrue in consequences will not be paid to them as it has been already submitted that they are not claiming the same.*

*The whole exercise should be completed within 5 months from the date of receipt of a copy of this judgment and order."*

It is stated that against the said common Judgment & Order 20.09.2019 the applicants/respondents did not prefer appeal.

**7.** Then being aggrieved, the applicants/review petitioners have approached this court by filing present review petition, for modification /alteration and/or clarification by way of review of the common Judgment and Order dated 20.09.2019 by reviewing the same on the following grounds:-

- (i) That the ROP Rules, 1999 have come into force on the forenoon of 1st June, 1998 for the purpose of notional pay fixation in the new pay scale, amongst other. Rule 2 of the ROP Rules, 1999 specifically provides that it shall not apply to the work-charged employees.
- (ii) But, the respondent/opposite parties have not challenged the Rule 2(b) of the ROP Rules, 1999 and 2010, in the writ petitions. Without challenging the validity and legality of ROP Rules, 1999 and 2010 and in particular, rule 2(b)(i) of the ROP Rules, 1999 and 2010, the petitioners, being work-charged employees, have no legally enforceable right to claim for the benefit of ROP Rules 1999 and 2010.
- (iii) That, the provisions of ROP Rules, 1993 were applicable to both work-charged employees and contract employees. However, both categories of employees are excluded from the purview of ROP Rules 1999 and 2010. The Finance Department vide letter(s) No.FIN/ROP/V-PC/IPS/2000 dated 19.04.2001 and No.FIN/ROP/V-PC/2000(Pt) dated 22.05.2002 categorically clarified that corresponding revised scales shall be given to work-charged employees

only from the date their services are regularized against sanctioned posts.

- (iv) That, while taking steps to comply with the direction passed by this Court, it is revealed from the records that the increments earned by the respondent opposite parties during work- charged services were already counted as per the ROP Rules, 1993 and that upon regularization their salary has been re-fixed under ROP Rules, 2010.
- (v) That, the services of all the petitioners were regularized after coming into force of the ROP Rules, 2010. In between ROP Rules, 1993 and ROP Rules, 2010, the ROP Rules, 1999 was holding the field during the intervening period.
- (vi) That, as the respondent opposite parties were regularized post ROP Rules, 2010, this Court had observed that the Opp. parties/petitioners are not entitled to the benefits of ROP Rules, 1999. Therefore, the prayer of the Opp. Parties/petitioners for notional fixation of pay under ROP Rules, 1999 was not granted.
- (vii) That, as the pay of the Opp. parties/petitioners cannot be notionally fixed under ROP Rules, 1999, the fixation of pay of the Opp. parties/petitioners was done as per ROP Rules, 2010 by taking into consideration the increments earned by them and thereafter, fixing their Basic Pay on the higher side than what they were otherwise, entitled to after taking the minimum basic pay under ROP Rules, 1999, as reference.

*As for instance, at the time of regularization, as on 01.02.2011, the Opp. party/petitioner No. 16, was serving as Bill Assistant and was enjoying the Basic Pay of Rs. 1660/- as per ROP Rules, 1993. Since her appointment in the year 1987, she has been serving as work charged for the past 24 years and enjoying the scale of pay under ROP Rules, 1993. The highest yearly increment earned by her under ROP Rules, 1993 is Rs.40/-. Even if the highest yearly increment of Rs. 40/- is taken to determine the total increment earned by her in 24 years as work charged employee, it will come to  $40 \times 24 = \text{Rs. } 960/-$ . Therefore, if the said total increment of Rs. 960/- earned by her is added to the last Basic Pay of Rs. 1660/- enjoyed by her at the time of regularization, the total Basic Pay will come to Rs.2620/-. However, on regularization, at the time of fixing her Basic Pay under ROP Rules, 2010, instead of Rs. 2620/- her Basic Pay was fixed at Rs. 3200/- by taking the minimum Basic Pay under ROP Rules, 1999, as reference. Therefore, it cannot be said that the Opp. parties/petitioners have been deprived/denied the benefits of the increments earned by them as work charged period.*

*Unfortunately, this aspect of the matter was not explained and projected properly before this Hon'ble High Court by the applicants/respondents at the time of hearing of the writ petition. The said Table,*

*showing the increments earned by respondents/opposite parties, during their work charged service and fixation of Basic Pay under ROP Rules, 2010 is annexed as ANNEXURE - 5, in series.*

- (viii) That, as per the record and as shown in the aforesaid Table, the increments earned by the Opp. parties/petitioners during work- charged services were already counted as per the ROP Rules, 1993 and that upon regularization their salary has been re-fixed under ROP Rules, 2010.
- (ix) That, even in the said common Judgment and Order dated 20.09.2019, passed by this Court; no specific direction has been given to the applicants to notionally fix the pay of the petitioner under ROP Rules, 1999. The applicants /respondents were directed only to re-fix the pay and allowances of the petitioners at the time of their regularization by taking into account the increments already earned by them during their work-charged services as per the relevant rules of ROP, 1993 and thereafter, re-fix their later pays.
- (x) That, at the time of regularization, the ROP Rules, 2010 was holding the field. Accordingly, the pay and allowances of the Opp. parties/petitioners were re-fixed as per the ROP Rules, 2010 by taking into account the increments already earned by them during their work-charged services as per the relevant rules of ROP, 1993.

- (xi) That, the applicants could not explain as to how the pay and allowances of the opp. parties/petitioners were re-fixed as per the ROP Rules, 2010 by taking into account the increments already earned by them during their work-charged services.
- (xii) That, this High Court has passed the common Judgment and Order dated 20.09.2019 on the assumption that the increments earned by the Opp. Party/Petitioners during their work-charge services was not counted.

**8.** It is to be noted here that the respondents/opposite parties have not filed any affidavit-in-opposition here in these petitions.

**9.** Mr. Imsong, the learned Addl. Advocate General, for the review petitioners reiterated the points mentioned in the review applications. Besides, Mr. Imsong, submits that Rule 2 of the ROP Rules, 1999 specifically provides that it shall not apply to the work-charge employees. But, the respondent/opposite parties have not challenged the Rule 2(b) of the ROP Rules, 1999 and 2010, in the writ petitions. It is the further submission of Mr. Imsong that the pay of the Opp. parties/petitioners cannot be notionally fixed under ROP Rules, 1999, the fixation of pay of the Opp. parties/petitioners was done as per ROP Rules, 2010 by taking into consideration the increments earned by them and thereafter, fixing of their Basic Pay was on the higher side than what they were otherwise entitled to, after taking the minimum basic pay under ROP Rules, 1999, and the same have already been granted to the respondents/opposite-parties. But, the

applicants could not explain as to how the pay and allowances of the respondents/opposite parties were re-fixed as per the ROP Rules, 2010 by taking into account the increments already earned by them during their work-charged services. Mr. Imsong further submits that there was no specific direction to re-fix the pay of the petitioners' notionally under the ROP Rule 1999. Therefore, Mr. Imsong has contended to allow the petition.

**10.** Per contra, Mr. Supongwati Walling, learned counsel for respondents/opposite parties, submits that this review petition is not at all maintainable as the petitioner has failed to show any error apparent on the face of the record. Mr. Walling further submits that the applicants have failed to justify the discovery of new fact of payment of benefits to the respondents/opposite parties, which they could not brought to the notice of the court at the time of hearing in the said Writ Petitions and in fact no such benefit has been provided to the respondents and as such no ground for review of the judgment and order, dated 20.09.2019, passed by this court in W.P. (C) No. 202(K)/2017, could be shown by the applicants. Therefore, it is contended to dismiss the petition.

**11.** In view of the contentions being raised in these review applications and also in view of the submissions advanced by learned counsel for both the parties, the issue, to be addressed by this Court is – *whether there is any ground for review of the judgment and order dated 20.09.2019 passed in WP(C) No.201(K)/2017, WP(C) No.202(K)/2017 and WP(C) No.237(K)/2018 ?*

**12.** Having heard the submissions of learned Advocates of both sides, I have carefully gone through the petition and the documents placed on record. I have also perused the judgment, dated 20.09.2019, passed by this court in W.P.(C)No. 202(K)/2017 and W.P.(C) 237(K)/2018.

**13.** Before a discussion is directed in to the issues raised in this petition, it would be in the interest of justice to understand the legal proposition presently occupying the field of review.

**14.** The law relating to review is well-settled by the Hon'ble Supreme Court in catena of decisions. In **Aribam Tuleshwar Sharma v. Aribam Pishak Sharma**, reported in **AIR 1979 SC 1047**, Hon'ble Supreme Court has held that – "there are definite limits to the exercise of power of review. In that case, an application under Order 47 Rule 1 read with Section 151 of the Code was filed which was allowed and the order passed by the Judicial Commissioner was set aside and the writ petition was dismissed. On an appeal to this Court it was held as under: (SCC p. 390, para 3)

"It is true as observed by this Court in **Shivdeo Singh v. State of Punjab, AIR 1963 SC 1909**, there is nothing in Article 226 of the Constitution to preclude a High Court from exercising the power of review which inheres in every court of plenary jurisdiction to prevent miscarriage of justice or to correct grave and palpable errors committed by it. But, there are definitive limits to the exercise of the power of review. The power of review may be exercised on the discovery of new

and important matter or evidence which, after the exercise of due diligence was not within the knowledge of the person seeking the review or could not be produced by him at the time when the order was made; it may be exercised where some mistake or error apparent on the face of the record is found; it may also be exercised on any analogous ground. But, it may not be exercised on the ground that the decision was erroneous on merits. That would be the province of a court of appeal. A power of review is not to be confused with appellate powers which may enable an appellate court to correct all manner of errors committed by the subordinate court.”

**15.** In **Parsion Devi v. Sumitri Devi**, reported in **(1997) 8 SCC 715**, relying upon the judgments in Aribam and Meera Bhanja it was observed as under:

“9. Under Order 47 Rule 1 CPC a judgment may be open to review inter alia if there is a mistake or an error apparent on the face of the record. An error which is not self-evident and has to be detected by a process of reasoning can hardly be said to be an error apparent on the face of the record justifying the court to exercise its power of review under Order 47 Rule 1 CPC. In exercise of the jurisdiction under Order 47 Rule 1 CPC it is not permissible for an erroneous decision to be ‘reheard and corrected’. A review petition, it must be

remembered has a limited purpose and cannot be allowed to be 'an appeal in disguise'."

**16.** In the case of **Lily Thomas vs. Union of India**, reported in **(2000) 6 SCC 224**, it is observed and held that the power of review can be exercised for correction of a mistake, but not to substitute a view. Such powers can be exercised within the limits of the statute dealing with the exercise of power. It is further observed in the said decision that the words "any other sufficient reason" appearing in Order 47 Rule 1 CPC must mean "a reason sufficient on grounds at least analogous to those specified in the rule" as was held in **Chhajju Ram vs. Neki, AIR 1922 PC 112** and approved by this Court in **Moran Mar Basselios Catholicos vs Most Rev. Mar Poulouse Athanasius**, reported in **AIR 1954 SC 526**.

**17.** In the case of **Inderchand Jain vs. Motilal**, reported in **(2009) 14 SCC 663**, in paragraphs 7 to 11, it is observed and held as under:

7. Section 114 of the Code of Civil Procedure (for short "the Code") provides for a substantive power of review by a civil court and consequently by the appellate courts. The words "subject as aforesaid" occurring in Section 114 of the Code mean subject to such conditions and limitations as may be prescribed as appearing in Section 113 thereof and for the said purpose, the procedural conditions contained in Order 47 of the Code must be taken into consideration. Section

114 of the Code although does not prescribe any limitation on the power of the court but such limitations have been provided for in Order 47 of the Code; Rule 1 whereof reads as under:

"17. The power of a civil court to review its judgment/decision is traceable in Section 114 CPC. The grounds on which review can be sought are enumerated in Order 47 Rule 1 CPC, which reads as under:

- '1. Application for review of judgment.—
- (1) Any person considering himself aggrieved—
  - (a) by a decree or order from which an appeal is allowed, but from which no appeal has been preferred,
  - (b) by a decree or order from which no appeal is allowed, or
  - (c) by a decision on a reference from a Court of Small Causes, and who, from the discovery of new and important matter or evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the decree was passed or order made, or on account of some mistake or error apparent on the face of the record, or for any other sufficient reason, desires to obtain a review of the decree passed or

order made against him, may apply for a review of judgment of the court which passed the decree or made the order.”

**18.** An application for review would lie inter alia when the order suffers from an error apparent on the face of the record and permitting the same to continue would lead to failure of justice. In **Rajendra Kumar v. Rambai** reported in **AIR 2003 SC 2095**, Hon’ble Supreme Court has held as under:

“6. The limitations on exercise of the power of review are well settled. The first and foremost requirement of entertaining a review petition is that the order, review of which is sought, suffers from any error apparent on the face of the order and permitting the order to stand will lead to failure of justice. In the absence of any such error, finality attached to the judgment/order cannot be disturbed.”

**19.** The power of review can also be exercised by the court in the event discovery of new and important matter or evidence takes place which despite exercise of due diligence was not within the knowledge of the applicant or could not be produced by him at the time when the order was made. An application for review would also lie if the order has been passed on account of some mistake. Furthermore, an application for review shall also lie for any other sufficient reason. It is beyond any doubt or dispute that the review court does not sit in appeal over its own order. A rehearing of the matter is impermissible

in law. It constitutes an exception to the general rule that once a judgment is signed or pronounced, it should not be altered. It is also trite that exercise of inherent jurisdiction is not invoked for reviewing any order.

**20.** Review is not appeal in disguise. In **Lily Thomas** (supra) Hon'ble Supreme Court has held as under:-

“56. It follows, therefore, that the power of review can be exercised for correction of a mistake, but, not to substitute a view. Such powers can be exercised within the limits of the statute dealing with the exercise of power. The review cannot be treated like an appeal in disguise.”

**21.** What can be said to be an error apparent on the face of the proceedings has been dealt with and considered in the case of **T.C. Basappa vs. T. Nagappa**, reported in **AIR 1954 SC 440**, and it has been held that such an error is an error which is a patent error and not a mere wrong decision. In the case of **Hari Vishnu Kamath vs. Ahmad Ishaque**, **AIR 1955 SC 233**, it is observed as under:

“It is essential that it should be something more than a mere error; it must be one which must be manifest on the face of the record. The real difficulty with reference to this matter, however, is not so much in the statement of the principle as in its application to the facts of a particular case. When does an error cease to be mere error, and become an error apparent on the face of the record? Learned counsels

on either side were unable to suggest any clear cut rule by which the boundary between the two classes of errors could be demarcated.”

**22.** In the case of **Parsion Devi vs. Sumitri Devi, (Supra)** in paragraph 7 to 9 it is observed and held as under:-

7. It is well settled that review proceedings have to be strictly confined to the ambit and scope of Order 47 Rule 1 CPC. In *Thungabhadra Industries Ltd. v. Govt. of A.P.*, AIR 1964 SC 1372 this Court opined:-

“What, however, we are now concerned with is whether the statement in the order of September 1959 that the case did not involve any substantial question of law is an ‘error apparent on the face of the record’). The fact that on the earlier occasion the Court held on an identical state of facts that a substantial question of law arose would not per se be conclusive, for the earlier order itself might be erroneous. Similarly, even if the statement was wrong, it would not follow that it was an ‘error apparent on the face of the record’, for there is a distinction which is real, though it might not always be capable of exposition, between a mere erroneous decision and a decision which could be characterised as vitiated by ‘error apparent’. A review is by no means an appeal in disguise

whereby an erroneous decision is reheard and corrected, but lies only for patent error.”

.....

.....

8.2 In the case of State of West Bengal and Others vs. Kamal Sengupta and Anr., (2008) 8 SCC 612, this Court had an occasion to consider what can be said to be “mistake or error apparent on the face of record”. In para 22 to 35 it is observed and held as under:-

“22. The term “mistake or error apparent” by its very connotation signifies an error which is evident per se from the record of the case and does not require detailed examination, scrutiny and elucidation either of the facts or the legal position. If an error is not self evident and detection thereof requires long debate and process of reasoning, it cannot be treated as an error apparent on the face of the record for the purpose of Order 47 Rule 1 CPC or Section 22(3)(f) of the Act. To put it differently an order or decision or judgment cannot be corrected merely because it is erroneous in law or on the ground that a different view could have been taken by the court/tribunal on a point of fact or law. In any case, while exercising the power of review, the court/tribunal concerned cannot sit in appeal over its judgment/decision.

23. We may now notice some of the judicial precedents in which Section 114 read with Order 47 Rule 1 CPC and/or Section 22(3)(f) of the Act have been interpreted and

limitations on the power of the civil court/tribunal to review its judgment/decision have been identified.

24. In *Rajah Kotagiri Venkata Subbamma Rao v. Rajah Vellanki Venkatrama Rao* (1899) 27 IA 197 the Privy Council interpreted Sections 206 and 623 of the Civil Procedure Code and observed: (IA p.205) "... Section 623 enables any of the parties to apply for a review of any decree on the discovery of new and important matter and evidence, which was not within his knowledge, or could not be produced by him at the time the decree was passed, or on account of some mistake or error apparent on the face of the record, or for any other sufficient reason. It is not necessary to decide in this case whether the latter words should be confined to reasons strictly ejusdem generic with those enumerated, as was held in *Roy Meghraj v. Beejoy Gobind Bural*, ILR (1875) 1 Cal 197. In the opinion of their Lordships, the ground of amendment must at any rate be something which existed at the date of the decree, and the section does not authorize the review of a decree which was right when it was made on the ground of the happening of some subsequent event." (emphasis added)

**23.** Hon'ble Supreme Court in **Kamlesh Verma Vs. Mayawati and Others**, reported in **2013 AIR SCW 4944**, Mr. Parvez submits that review can be entertained on the following grounds:-

- (i) Discovery of new and important matter of evidence which, after exercise of due diligence, was not within the knowledge of the petitioner or could not be produced by him;
- (ii) Mistake or error apparent on the face of the record;
- (iii) Any other sufficient reason;

**24.** In the case of **Shri Ram Sahu (Dead)**, through LRS **Vs. Vinod Kumar Rawat & Ors, Civil Appeal No. 3601 of 2020**, Hon'ble Supreme Court, taking note of some of its earlier decisions culled out principle of review as under:-

"35. The principles which can be culled out from the above noted judgments are:-

- (i) The power of the Tribunal to review its order/decision under Section 22(3)(f) of the Act is akin/analogous to the power of a civil court under Section 114 read with Order 47 Rule 1 CPC.
- (ii) The Tribunal can review its decision on either of the grounds enumerated in Order 47 Rule 1 and not otherwise.
- (iii) The expression "any other sufficient reason" appearing in Order 47 Rule 1 has to be interpreted in the light of other specified grounds.
- (iv) An error which is not self-evident and which can be discovered by a long process of reasoning, cannot be

treated as an error apparent on the face of record justifying exercise of power under Section 22(3)(f).

- (v) An erroneous order/decision cannot be corrected in the guise of exercise of power of review.
- (vi) A decision/order cannot be reviewed under Section 22(3)(f) on the basis of subsequent decision/judgment of a coordinate or larger Bench of the tribunal or of a superior court.
- (vii) While considering an application for review, the tribunal must confine its adjudication with reference to material which was available at the time of initial decision. The happening of some subsequent event or development cannot be taken note of for declaring the initial order/decision as vitiated by an error apparent.
- (viii) Mere discovery of new or important matter or evidence is not sufficient ground for review. The party seeking review has also to show that such matter or evidence was not within its knowledge and even after the exercise of due diligence, the same could not be produced before the court/tribunal earlier."

**25.** Again in a very recent case, in **S. Madhusudhan Reddy vs. V. Narayana Reddy delivered on 18 August, 2022** in Civil Appeals No. 5503-04 of 2022, arising out of petitions for Special Leave to Appeal (Civil) No.9602-03 of 2022, along with Civil Appeal No. 5505 of

2022, arising out of petition for Special Leave to Appeal (Civil) No.11290 of 2022, held as under:-

"33. A perusal of the averments made in the second set of review petitions shows that there is no explanation offered regarding discovery of new material in the form of the documents sought to be filed. When it is the case of the respondents themselves that the relevant documents were all along available in the revenue records and they had already filed xerox copies thereof during the second revision proceedings, they can hardly be heard to state that the said documents were unknown to them and were unavailable for being produced before the learned Single Judge prior to passing of the common judgment and order dated 9<sup>th</sup> July, 2013. It is evident from the above that the respondents had not discovered any new material for them to have moved a second set of review petitions. **In order to satisfy the requirements prescribed in Order XLVII Rule 1 CPC, it is imperative for a party to establish that discovery of the new material or evidence was neither within its knowledge when the decree was passed, nor could the party have laid its hands on such documents/evidence after having exercised due diligence, prior to passing of the order.** What to speak of conclusive proof of having undertaken an exercise of due diligence for accessing the relevant documents, there is not an averment made by the respondents in the second set of review petitions to the effect

that they could not trace the documents in question earlier or that they had made sincere efforts to obtain certified copies thereof before the common order dated 9<sup>th</sup> July, 2013 was passed, but could not do so for some cogent and valid reasons.

34. In other words, nothing has been stated on affidavit to substantiate the plea taken by the respondents at such a belated stage that the documents sought to be filed by them with the second set of review petitions had come to light after passing of the judgment and order dated 9<sup>th</sup> July, 2013. Under the garb of the liberty granted to them, the respondents have tried to fill in the glaring loopholes and introduce evidence in the review proceedings that was all along in their power and possession and ought to have seen the light of the day much earlier. In fact, it appears that the Civil Revision Petitions were originally argued to the hilt on several other grounds, not limited just to the revenue record, which were all considered and turned down as meritless. Therefore, we have no hesitation in holding that non-production of the relevant documents on the part of the respondents at the appropriate stage cannot be a ground for seeking review of the judgment and order dated 9<sup>th</sup> July, 2013 particularly, when five opportunities enumerated in para 31 above, were available to them for production of the said documents, which were all frittered away, one by one."

**26.** So, what can be crystallized from the illuminating discourse, made herein above, is that the court can review its decision on either of the grounds enumerated in Order 47 Rule 1 and not otherwise. The expression “any other sufficient reason” appearing in Order 47 Rule 1 has to be interpreted in the light of other specified grounds. An error, which is not self-evident, and which can be discovered by a long process of reasoning, cannot be treated as an error apparent on the face of record justifying review of its judgment. The power of review cannot be exercised to correct an erroneous judgment/order. While dealing with an application for review, the courts have to confine its adjudication with reference to material which was available at the time of initial decision. The happening of some subsequent event or development cannot be taken note of for declaring the initial judgment as vitiated by an error apparent. Mere discovery of new or important matter or evidence is not sufficient ground for review. The party seeking review has to satisfy the requirement prescribed in Order XLVII Rule 1 CPC. It is imperative for a party to establish that such matter or evidence was not within its knowledge and even after the exercise of due diligence, the same could not be produced before the court earlier.

**27.** In the case in hand, admittedly, no mistake or error apparent on the face of the record could be shown by the applicants. But, from a bare perusal of the review petition and the grounds taken therein, and also from the submission of the learned Addl. Advocate General, it appears that reveals that the judgment of this Court, dated 20.09.2019, passed by this court in W.P.(C) No. 201(K)/2017 and

W.P.(C) No. 202(K)/2017 and W.P.(C) 237(K)/2018, are sought to be reviewed mainly on the ground of discovery of new facts. The new fact is - *while taking steps to comply with the direction passed by this Hon'ble High Court, it is revealed from the records that the increments earned by the respondent opposite parties during work- charged services were already counted as per the ROP Rules, 1993 and that upon regularization their salary has been re-fixed under ROP Rules, 2010.* Another contention of the applicants is that - *the respondent/ opposite parties have not challenged the Rule 2(b) of the ROP Rules, 1999 and 2010, in the writ petitions and without challenging the validity and legality of ROP Rules, 1999 and 2010, the petitioners, being work-charged employees, have no legally enforceable right to claim for the benefit of ROP Rules 1999 and 2010.*

**28.** But, having gone through the Annexure 5 series and also considering the first ground so taken, this court is of the view that if the increments, so earned by the respondents/opposite parties, during work charge services were already counted as per the ROP Rules 1993, then there is no point for granting same again which means that the applicants have complied with a part of the direction issued by this court in the common judgment and order dated 20-09-2019, passed in W.P.(C) No. 201(K) and in W.P. (C) No. 202(K)/2017 and W.P.(C) 237/2018. And as such, the ground, so assigned by the applicants herein, to the considered opinion of this court, cannot be considered as a ground for review of the said judgment.

**29.** However, what should not be lost sight of is that besides the direction to take into account the increment already earned by the respondents/opposite parties during their work charged services as per relevant Rule of ROP, 1993, there was also direction to re-fix their pay and allowances at the time of their regularization. This direction has to be complied with by the applicants. Though, the applicants in review applications have taken a stand that the pay of the Opp. parties/petitioners cannot be notionally fixed under ROP Rules, 1999, the fixation of pay of the Opp. parties/petitioners was done as per ROP Rules, 2010 by taking into consideration the increments earned by them and thereafter, fixing of their Basic Pay was on the higher side than what they were otherwise entitled to, after taking the minimum basic pay under ROP Rules, 1999, yet said plea was raised before this court at the time of hearing in W.P.(C) No. 201(K)/2017 and W.P.(C) No. 202(K)/2017 and W.P.(C) 237/2018, and that said aspect of the matter was not explained and projected properly, yet, this court is of the view that on this count also the judgment dated 20.09.2019, cannot be reviewed as the same cannot be said to have suffered from any error apparent on the face of the record and that permitting the same to stand will lead to failure of justice, as held in the case of **Rajendra Kumar** (supra). And the same also cannot be treated as discovery of new and important matter or evidence, which despite exercise of due diligence was not within the knowledge of the applicant, as held in the case of **Kamlesh Verma** (supra) and **Shri Ram Sahu** (supra) and in **S. Madhusudhan Reddy** (supra). Moreover, said issue was raised before this Court, at the time of hearing the writ petitions.

**30.** Though it is being contended that there is no specific direction to notionally fix the pay of the respondents/ opposite parties as per ROP 1999, yet, in the judgment and order dated 20.09.2019 it has been directed to re-fix the pay and allowances at the time of their regularization, yet, the same has to be understood in terms of the prayer being made in the Writ Petitions. The prayer was to partially relax Rule 2(b)(1) of the Nagaland Services (Revision of Pay) Rules, 1999 and Rule 2(b)(i) of the Nagaland Services (Revision Of Pay) Rules, 2010, by invoking Rule 3 and Rule 4 of the said Rules respectively for the purpose of notional fixation of pay under Nagaland Services (Revision Of Pay) Rules, 1999 and 2010 and thereafter, to count the increments and promotional increment earned by the strength of Revision of Pay Rules, 1993. And the direction of this court was - *to re-fix the pay and allowances of the petitioners at the time of their regularization by taking into account the increments already earned by them during their work-charged services as per the relevant rules of ROP, 1993*. So, there appears to be no ambiguity in respect of the direction to re-fix the pay and allowances. If the respondents/ opposite parties were regularized while ROP Rule 1999 was occupying the field, the same has to be taken into account and if they were regularized while ROP Rule 2010 was occupying the field, the same has to be taken into account in re-fixing the pay and allowances.

**31.** Thus, from the submissions, so advanced by the learned counsel for the applicants, and the documents placed on record, it appears that the applicants, in order to satisfy the requirements prescribed in Order XLVII Rule 1 CPC, have failed to establish that discovery of the

new material or evidence was neither within its knowledge when the decree was passed, nor could they have laid its hands on such documents/evidence after having exercised due diligence, prior to passing of the order or there is any error apparent on the face of the record. Besides, not a single averment was being made in the applications, not to speak of adducing conclusive proof of having undertaken an exercise of due diligence for accessing the relevant documents. There appears to be no other 'sufficient ground' which the petitioner could assign to review the judgment.

**32.** It transpires from the record that the contentions being raised before this court, were already raised in W.P.(C) No. 201(K)/2017 and in W.P.(C) No. 202(K)/2017 and in W.P.(C) No. 237(K)/2018 and the same were duly considered by this court and thereafter the judgment and order dated 20.09.2019 was passed. Then, having not been preferred an appeal against the said judgment and order; the applicants are not entitled to raise the same issues before this court in these review applications. As held in the case of **Lily Thomas** (supra) review cannot be treated like an appeal in disguise.

**33.** Thus, having considered the present applications in the light of the proposition laid down in the cases discussed herein above this court is of the considered view that, as provided under Order XLVII Rule 1 of the CPC no ground for review of the judgment and order dated 20.09.2019 is made out.

**34.** In the result, I find no merit in these review petitions and accordingly, the same stands dismissed. The parties have to bear their own cost.

**Sd/- Robin Phukan**  
**JUDGE**

**Comparing Assistant**