

GAHC020002942023



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

Case No. : WP(C)/118/2023

SHRI. PURMAYANG
S/O LATE JUNGSHIMANEN, R/O DIMAPUR. FORMER DRIVER GRADE-II
NAGALAND STATE TRANSPORT, NAGALAND DIMAPUR

VERSUS

THE STATE OF NAGALAND AND 2 ORS
THROUGH THE CHIEF SECRETARY TO THE GOVT. OF NAGALAND

2:THE SECRETARY
TRANSPORT DEPARTMENT
NAGALAND KOHIMA

3:THE GENERAL MANAGER
NAGALAND STATE TRANSPORT
NAGALAN

Advocate for the Petitioner : MOA JAMIR

Advocate for the Respondent : GOVT ADV NL

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

ORDER

16.04.2024

Heard Mr. Moa Jamir, learned counsel for the petitioner
and Mr. E. Thiba Phom, learned Government Advocate for the

State respondents.

2. The facts of the case in brief is that vide Office Order dated 21.10.2005, issued by the General Manager, Nagaland State Transport (NST), Dimapur, Nagaland, the petitioner was temporarily appointed to the post of Driver Grade-II w.e.f. 01.10.2005 for a period of one year. Subsequently, by the Office Order No. NST/ESTT/P-B/27/2006-2007, dated NIL, the petitioner was regularized in service.

3. That on 03.06.2014, the petitioner was detailed to drive the NST passenger bus bearing Registration No. NL-11/2384, which was bound from Dimapur to Mangkolemba. It is the case of the petitioner that while proceeding to the designated place a complaint was lodged against the petitioner alleging that the petitioner was driving the bus under the influence of alcohol. On the basis of the complaint lodged against the petitioner the criminal case, being Longtho PS Case No. 006/14, GR Case No. 41/2014 under Section 279 IPC read with 184/185 MVI Act, was registered against the petitioner. Subsequently, vide the Office Order dated 10.06.2014 issued by the General Manager, Nagaland State Transport Department, Nagaland, Dimapur, under rule 6(1)(a) of the Nagaland Services (Discipline & Appeal) Rules, 1967 the petitioner was suspended from service and placed at AGMs Office, NST, Dimapur.

4. That thereafter, vide Office Order No. NST/ESTT/P/3928/04/372 dated 23.09.2014 the General Manager, NST, Dimapur, Nagaland, appointed a Board under rule 9(2) of the Nagaland Civil Service (Discipline & Appeal)

Rules, 1967 to enquire into the charges framed against the petitioner. Thereafter, vide the Office Order dated 24.10.2014, the Enquiry Report was furnished to the petitioner and consequent to which, vide Office Order dated 12.11.2014 the General Manager, NST, Dimapur, Nagaland, issued a show cause notice to the petitioner, giving the petitioner an opportunity to submit the written representation against the proposed penalty within 15 (fifteen) days from the date of receipt of the notice. The petitioner, on 24.11.2014, submitted the written reply to the show cause notice dated 12.11.2014. The General Manager, NST, Dimapur, Nagaland, after examining the written representation submitted by the petitioner issued the Office Order dated 28.11.2014 imposing the penalty of removal from service against the petitioner with immediate effect.

5. That against the 'Order of Dismissal' the petitioner has submitted various representations to the concerned authority, however, the same did not evoke any response. The petitioner, thereafter, on 12.07.2022, filed an appeal under rule 14 of the Nagaland Services (Discipline & Appeal) Rules, 1967 before the Secretary, Transport Department, Nagaland, Kohima, against the Order dated 28.11.2014 removing the petitioner from service. However, as the appeal has not been disposed by the concerned authority even after a lapse of considerable period of time, the petitioner has filed the present writ petition.

6. The limited prayer of the petitioner in the present writ petition is to direct the Secretary, Government of

Nagaland, Transport Department, Nagaland, Kohima, to dispose the appeal filed by the petitioner under rule 14 of the Nagaland Service (Discipline & Appeal) Rules, 1967 within a specific period of time. Mr. E. Thiba Phom, learned Government Advocate is not averse to the limited prayer made by the petitioner to direct the Secretary, Government of Nagaland, Transport Department, Nagaland, Kohima, to dispose the appeal filed by the petitioner within a specific period of time.

7. In the light of the submission made by the learned counsel for the parties, the writ petition is disposed of, at the Admission stage, with a direction to the Secretary, Government of Nagaland, Transport Department, Nagaland, Kohima, to consider and dispose the appeal filed by the petitioner under rule 14 of the Nagaland Service (Discipline & Appeal) Rules, 1967 against the Order dated 28.11.2014, passed by the Disciplinary Authority, i.e. the General Manager, Nagaland State Transport Department, Dimapur, Nagaland, in accordance with law within a period of 60 (sixty) days from the date of passing of this Order. Rejection of the appeal filed by the petitioner, if any, shall be by a speaking order and shall be communicated to the petitioner without delay.

8. The writ petition stands disposed of.

Sd/-
JUDGE

Comparing Assistant