

GAHC020002982022

2024:GAU-NL:518



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

Case No. : COP(C)/19/2022

SMTI. MERENKALA
W/C SECTIONAL ASSISTANT, EXECUTIVE ENGINEER (PWD) R AND
B, FEEDER ROAD DIVISION TULI, NAGALAND

VERSUS

SHRI. KESONYU YHOME AND 3 ORS
THE SECRETARY, WORKS AND HOUSING, NAGALAND KOHIMA

2:SMTI. KAHULI SEMA
THE ENGINEER-IN-CHIEF
NPWD
NAGALAND KOHIMA

3:ER. I. TIAMEREN
ENGINEER-IN-CHIEF
NPWD
NAGALAND KOHIMA

4:ER. PUKRONEIZO KERA

ENGINEER-IN-CHIEF

NPWD NAGALAND
KOHIM

Advocate for the Petitioner : WATI JAMIR, P. N. PHOM

Advocate for the Respondent : ,

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

JUDGMENT

Date : 24-09-2024

Heard Mr. Wati Jamir, learned counsel for the petitioner and Mr. K. Angami, learned Sr. Government Advocate for the respondent No. 1, 2, 3, 4 & 5.

The present contempt petition has been filed alleging willful and deliberate disobedience of the order dated 13/04/2022 passed by this Court in W.P.(C) No. 65/2022. The operative portion of the order dated 13/04/2022 reads as follows;

“7. In view of what has been stated above, this writ petition is disposed off with a direction to the respondents to consider regularization of the petitioner’s service within a period of one month from the date of receipt of a copy of this order.”

Mr. K. Angami, learned Sr. Government Advocate referring to the affidavit dated 21/08/2024 filed by the respondent No.1 submits that the order dated 13/04/2022 passed by this Court has been complied with by the Government by issuing the office order dated 16/07/2024. The said office order dated 16/07/2024 reads as follows;

**“GOVERNMENT OF NAGALAND
OFFICE OF THE ENGINEER-IN-CHIEF, NPWD
NAGALAND : KOHIMA**

NO. CON/ENC/LEGAL/GEN-423/2022-23 Dated Kohima the 16 July 2024

OFFICE ORDER

In compliance with the Hon’ble Court’s Order dated 13.04.2022 passed in W.P.(C) No. 65/2022 directing the State respondents to consider regularization of the petitioner’s service, the service of Lt. Talichuba, W/C Sectional Assistant under Executive Engineer, PWD (R&B), Tuli Feeder Road, Tuli has been considered by the Department and decided to process for his regularization vide Office Memorandum No. AR-3/GEN-201/2009 dated 17.03.2015 issued by the P&AR Department, Nagaland.

(ER. P.LIMA AO)

*Engineer-in-Chief, NPWD
Nagaland, Kohima."*

This Court on perusal of the order dated 16/07/2024 passed by the respondents is of the view that the order dated 13/04/2022 passed by this Court in W.P.(C) No. 65/2022 has been substantially complied with.

Mr. Wati Jamir, learned counsel for the petitioner however submits that since the service of the petitioner's husband has not been regularized by the Government as of date, the order dated 13/04/2022 passed by this Court has still not been complied with.

In a contempt proceeding, this Court only has to see as to whether the order alleged to have been violated has been complied with. The respondents in the order dated 16/07/2024 has stated that the regularization of the service of the petitioner's late husband has been considered by the department and has decided to process the same for regularization in service in terms of the O.M No. AR-3/GEN-201/2009 dated 17/03/2015 issued by the P&AR Department, Nagaland. This Court therefore is of the considered view that the order dated 13/04/2022 passed in W.P.(C) No. 65/2022 has been substantially complied with.

Contempt petition accordingly stands disposed.

JUDGE

Comparing Assistant