

GAHC020003112023



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

Case No. : WP(C)/124/2023

SHRI H. ECHEM KONYAK,
CODE NO. MON-0175,
W/C KHALASHI,
OFFICE OF THE EXECUTIVE ENGINEER (PHED),
MON DIVISION,
MON, NAGALAND

VERSUS

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

2:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
NAGALAND

PERSONNEL AND ADMINISTRATIVE REFORMS DEPARTMENT

NAGALAND
KOHIMA

3:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
NAGALAND

PHED
NAGALAND
KOHIMA

4:THE CHIEF ENGINEER

PHED
NAGALAND
KOHIMA

5:THE EXECUTIVE ENGINEER

PHED

MON DIVISION

MON
NAGALAND

Advocate for the Petitioner : SUPONGWATI WALLING

Advocate for the Respondent : GOVT ADV NL

BEFORE
HON'BLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

Date : 27-05-2024

Heard Mr. Supongwati Walling, learned counsel for the petitioner whereas the State respondents are represented by Ms. A. Ayemi, learned State counsel.

2. Considering the subject-matter and also the stand of the State Government taken in the affidavit-in-opposition filed on 23.02.2024, this writ petition is taken up for disposal at the Admission stage.

3. The case projected in the petition is that the petitioner was appointed as a Work-charged Labour (fixed) on 17.08.1989 in the Public Health Engineering Department and was posted in the Mon district. *Vide* the subsequent Order dated 15.01.2020, the petitioner was promoted to Work-charged *Khalasi* with a scale payment. The grievance of the petitioner is that though he has served continuously for more than 34 (thirty-four) years, his service have not been regularized. In this connection, the petitioner had submitted a representation dated 23.05.2023.

4. Mr. Supongwati Walling, learned counsel for the petitioner has

submitted that as per the Office Memorandum (OM) dated 17.03.2015, the petitioner is entitled for a fair consideration and regularization of his service which has not been done and hence, he had to approach this Court.

5. Ms. A. Ayemi, learned State counsel by referring to the affidavit-in-opposition had, however, fairly submitted that the case of the petitioner is under consideration as per the aforesaid OM. In this connection, reference has been made to the averments made in paragraphs 5 & 6 of the said affidavit-in-opposition.

6. To appreciate the stand of the respondents the averments made in paragraphs 5 & 6 of the affidavit-in-opposition are extracted herein below:-

"5. That with regard to the statement made in paragraph 4 of the writ petition; the deponent begs to state that as per the guidelines of OM dated 13.7.2015, the list of employees who have completed 30 years of service are compiled and sent in two phases every year to the Government for approval.

The process of regularization of work charged Employee service undergoes the following stages,

i. Clearance from the Dept. of Personnel & Administrative Reforms

ii. Clearance from the finance Department.

iii. Clearance from the MRC (Manpower Rationalization Committee) and finally,

iv. Approval from the Cabinet.

Only after having cleared all the four stages, regularization is done. That regularization is a lengthy process, and because of this reason, there is a delay in regularization of the petitioner's service.

6. That with regard to the statement made in paragraph 5 of the writ petition; the deponent begs to state that the name of the petitioner along with similar situated employees were submitted to the Government vide letter dated 17.11.2020 for regularization and absorption of Work Charge employees. There are 370 number of work charged employees in the 12th phase and because of the large numbers of employees, the

verification process of records is taking some time. At present the case of the petitioner along with 369 W/C employees have been submitted to MRC (Manpower Rationalization Committee) for clearance. It may be mentioned herein that after the clearance from MRC, it will be sent to Cabinet for approval."

7. From the aforesaid averments, it is clear that the case of the petitioner along with 369 Work-charged Employees have been submitted to the Manpower Rationalization Committee for clearance whereafter it will be sent to the Cabinet for approval.

8. In view of the aforesaid development and clear stand of the State towards redressal of the grievances of the petitioner in terms of the OM dated 17.03.2015, this writ petition is disposed of by directing the State respondents to expeditiously complete the process undertaken and on factual verification grant the benefit of regularization to the petitioner in accordance with law. The entire process may be completed within a limit of 3 (three) months from the date of receipt of a certified copy of the Order.

9. The petition accordingly stands disposed of.

Sd/-
JUDGE

Comparing Assistant