



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

Case No. : WP(C)/133/2022

SHRI. TIAWATI AO AND 7 ORS
LAB TECHNICIAN, 1ST NAP UNIT HOSPITAL, CHUMUKEDIMA,
NAGALAND

2: SMTI. WAPANGINLA AO
LAB TECHNICIAN
2ND NAP UNIT HOSPITAL
ALICHEN
MOKOKCHUNG NAGALAND

3: SHRI. TALIWAPANG AO
LAB TECHNICIAN
3RD NAP UNIT HOSPITAL
TUENSANG NAGALAND

4: SHRI. L. ZULUWATI
LAB TECHNICIAN
5TH NAP UNIT HOSPITAL
PHEK
NAGALAND

5: SHRI. SHINEN AO
LAB TECHNICIAN
7TH NAP UNIT HOSPITAL
BHANDARI
WOKHA
NAGALAND

6: SHRI. MERANGJEMBA AO
LAB TECHNICIAN
9TH NAP(IR) UNIT HOSPITAL
SAIJANG
PEREN

NAGALAND

7: SMTI. ESTHER LOTH
LAB TECHNICIAN
10TH NAP(IR) UNIT HOSPITAL
ZHADIMA
KOHIMA
NAGALAND

8: SHRI. SASHIKUM AO
LAB TECHNICIAN
11TH NAP UNIT HOSPITAL
ABOI
MON
NAGALAN

VERSUS

THE STATE OF NAGALAND AND 11 ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOCT. OF
NAGALAND, KOHIMA NAGALAND

2:THE HOME COMMISSIONER
NAGALAND KOHIMA

3:THE SPECIAL SECRETARY (HOME) POLICE ESTABLISHMENT
BRANCH
NAGALAND KOHIMA

4:THE DIRECTOR GENERAL OF POLICE
NAGALAND KOHIMA

5:THE COMMANDANT
1ST NAP CHUMUKEDIMA
NAGALAND

6:THE COMMANDANT
2ND NAP ALICHEN
MOKOKCHUNG
NAGALAND

7:THE COMMANDANT
3TH NAP
TUENSANG NAGALAND

8:THE COMMANDANT
5TH NAP PHEK NAGALAND

9:THE COMMANDANT
7TH NAP BHANDARI
WOKHA NAGALAND

10:THE COMMANDANT
9TH NAP(IR)
SAIJANG
PEREN
NAGALAND

11:THE COMMANDANT
10TH NAP(IR) ZHADIMA
KOHIMA NAGALAND

12:THE COMMANDANT
11TH NAP(IR)
ABOI
MON NAGALAN

Advocate for the Petitioner : TONGPOK PONGENER, AKUM JAMIR,S REOPI,M.
ATHAI,TONGPANG JAMIR,LAKNYEI PHOM,JENDEMO TSANGLAO,AKUM
AIER,VIKEHIENUO VIMERHA,THUKUTALU CHIZO

Advocate for the Respondent : GOVT ADV NL,

BEFORE
HON'BLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

14.11.2024

Heard Mr. Laknyei Phom, learned counsel for the petitioner and Mr. E. Thiba Phom, learned Government Advocate representing the State respondents.

2. This writ petition is filed by 8 (eight) petitioners who submit that they were appointed in the year 2005 as Lab Technicians in the post of GD Constables in different Unit Hospitals of Nagaland Police and has continued to serve as Lab Technicians in the post of GD Constables due to

non-creation of posts of Lab Technicians. Subsequently, one post of Lab Technician was created against which one similarly situated person was appointed and posted at the Unit Hospital, Phesama. Subsequently, another said post was created and a person was appointed. However, the petitioners' cases were not considered by the Department inspite of representations being filed. The petitioners being aggrieved filed a writ petition before this Court, being WP(C)/121/2019, which came to be disposed by Order dated 13.08.2019 whereby the Court directed the respondent No. 4/Director General of Police, Nagaland, Kohima, to dispose of the representation dated 23.04.2019, submitted by the petitioners by passing a speaking order within a period of 2 (two) months from the date of receipt of certified copy of the Order.

The Department disposed of the representations of the petitioners in terms of the Court's Order stating that the petitioners who were appointed in the batch of 2005 shall be given the rank of *Naik* (Grade-III) in their respective Unit. The respondent Units and Branches were directed to take immediate action, however, by subsequent order dated 09.10.2010, the petitioner No. 3 was informed that his promotion has been cancelled as he had not undergone the basic training. Similar orders were issued in respect of petitioner No. 6. Petitioner Nos. 1, 2, 4, 5, 7 and 8 were verbally informed that they will not be granted the promotion to *Naik*. Being aggrieved they submitted representation dated 04.05.2022 stating that they were never put up for basic training nor had they refused to undergo such training had the opportunity been granted. Since the petitioners' cases were not considered in terms of the earlier Order of the State respondents, issued on 17.03.2020 that they will be given the rank

of *Naik* in their respective Unit, this present writ petition has been filed praying for appropriate orders.

3. During the course of hearing before this Court and on the instructions being furnished by the learned Government Advocate it was informed that the petitioners' cases have been considered towards creation of 9 (nine) supernumerary posts of Lab Technicians and the competent Department, namely the P&AR Department, Government of Nagaland, is currently examining the issue.

4. On a further query by the Court to place the relevant materials before the Court, today learned Government Advocate has placed a Communication dated 13.11.2024, issued by the Joint Secretary to the Government of Nagaland, Department of Home, enclosing the relevant extracts of the file to State that the Home Department, Police Establishment, had sent the proposal to the P&AR Department for creation of 9 (nine) supernumerary posts of Lab Technicians and P&AR Department on examination has sought clarifications with necessary documents vide Communication dated 22.11.2022. These clarifications have been provided on 14.06.2024 and the matter is still under examination. Learned Government Advocate submits that the Department is taking all steps towards creation of 9 (nine) supernumerary posts to accommodate the petitioners as Lab Technicians and therefore, the said exercise may require a few weeks.

5. Learned counsel for the petitioners does not dispute the submissions made by the learned Government Advocate.

6. Both the learned counsels submits that the writ petition can be closed at this stage with a specific direction to the respondents, more particularly the respondent No. 2, to expedite the process of creation of the 9 (nine) supernumerary posts to accommodate the petitioners and as and when the same is created, the effective orders for appointment of the petitioner against these 9 (nine) supernumerary posts be issued without further delay. In the event of the appointment of the petitioners all pay and other service benefits that may be payable to the petitioners should also be released.

7. The directions contained in this Order shall be carried out by the respondents within a period of 90 (ninety) days from the date of receipt of certified copy of this Order.

8. Writ petition accordingly stands disposed of in terms of the above.

JUDGE

Comparing Assistant