

GAHC020004972022



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

Case No. : WP(C)/177/2022

SHRI. LOKYA SANGTAM
OFFICE OF THE SUB-DIVISIONAL OFFICER, SOIL AND WATER
CONSERVATION, KIPHIRE, NAGALAND, R/O KIPHIRE, NAGALAND

VERSUS

THE STATE OF NAGALAND AND 3 ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT OF
NAGALAND, KOHIMA

2:THE COMMISSIONER AND SECRETARY

DEPARTMENT OF SOIL AND WATER CONSERVATION
NAGALAND
KOHIMA

3:THE DIRECTOR

SOIL AND WATER CONSERVATION
GOVERNMENT OF NAGALAND
KOHIMA

4:THE SUB-DIVISIONAL OFFICER

SOIL AND WATER CONSERVATION
KIPHIRE
NAGALAN

Advocate for the Petitioner : ANUNGLA LKR

Advocate for the Respondent : GOVT ADV NL

**BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND**

ORDER

Date : 01.03.2024

Heard Mr. Toshitemjeni, learned counsel on behalf of the petitioner Shri Lokya Sangtam and Ms. A. Ayemi, learned Government Advocate for all the respondents.

The petitioner has filed this application under Article 226 of the Constitution of India praying for issuance of writ in the nature of Certiorari and/or Mandamus and/or any other appropriate writ/order or direction to the respondents to consider the case of the petitioner for scale of pay with those regular employees who are discharging the same duties/work.

It is submitted on behalf of the petitioner that the petitioner was appointed vide order dated 17/8/2001 as contingency sweeper at a fixed pay of Rs.450/- Pm and attached to the office of the Sub-Divisional Officer, Soil & Water Conservation, Kiphire Nagaland. It is also submitted that as similarly situated contingency employees have already been granted scale of pay, the petitioner filed representation before the respondent No.3. The learned Government Advocate has submitted that representation of the petitioner is still under consideration and it is likely to be considered.

I have considered the submissions at the bar with circumspection.

The learned counsel for the petitioner has relied on the judgment of the Division Bench of this Court in W.A.25/2022

dated 20/1/2023 wherein the appellant authorities were directed to grant scale of pay to the respondent. The learned counsel for the petitioner has also relied on the judgment of a co-ordinate Bench of this Court in W.P.(C) 240/2020 dated 20/2/2024, wherein the respondents more particularly respondent Nos 2 and 3 were directed to consider the representation of the petitioner Shri H. Yanhokiu.

I have relied on the judgment passed by this Court in W.A. 25/2022 and W.P.(C) 240/2022. In the light of the directions passed by this Court in the aforementioned cases captioned above, this writ petition is disposed of with a direction to the respondent authorities to consider the representation of the petitioner at par with the similarly placed Grade-IV employees who were granted scale of pay as revealed through (RTI) letter No.SC/RTI-8/2023-24/3066 dated 9/8/2023 and consider the prayer of the petitioner for scale of pay as same as those regular employees who are discharging the same duties/work.

The matter stands closed.

Endeavour shall be made by the respondent authorities to complete the exercise within a period of 3(three) months.

**Sd/-
JUDGE**

Comparing Assistant