

GAHC020005642023



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

Case No. : WP(C)/238/2023

MR. NIKHETO SEMA
S/O LATE SAKUTO SEMA, R/O HOUSE NO.02, NIKIHE(UR), DIMAPUR
NAGALAND

VERSUS

THE STATE OF NAGALAND AND 2 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY/SECRETARY,
DEPARTMENT OF PHED, GOVT. OF NAGALAND, KOHIMA NAGALAND

2:THE COMMISSIONER AND SECRETARY/SECRETARY
P AND AR DEPARTMENT. NAGALAND KOHIMA

3:THE CHIEF ENGINEER
PHED
GOVT. OF NAGALAND
KOHIMA NAGALAN

Advocate for the Petitioner : A. ZHIMOMI

Advocate for the Respondent : GOVT ADV NL

**BEFORE
HON'BLE MR. JUSTICE MANISH CHOUDHURY**

ORDER

Date : 26-03-2024

Heard Mr. A. Zhimomi, learned counsel for the petitioner and Mr. E. Thiba Phom, learned counsel representing Ms. A. Ayemi, learned State Counsel for the State respondents.

It is submitted by Mr. Zhimomi, learned counsel for the petitioner that by an Office Order bearing no. CE/PHE/EST-WC/R-30/2016/9499-503 dated 21.02.2022 passed under the hand of the Additional Chief Engineer & HoD, O/o the Chief Engineer, PHED, Nagaland, Kohima, the services of the petitioner, Nikheto has been regularised as R/Khalasi against a post created vide Cabinet Approval no. CAB-1/14/2023 dated 23.01.2024 w.e.f. 12.11.2018. Mr. Zhimomi, learned counsel for the petitioner has submitted that as during the pendency of the writ petition, the petitioner has got the necessary relief, the writ petition is not required to be proceeded with further. Mr. Zhimomi has further submitted that the petitioner after regularisation, retired from service on reaching the age of superannuation in November, 2023, the State respondents be directed to be complete the necessary steps for disbursement of the service benefits to the petitioner.

Since the petitioner retired from service on superannuation in November, 2023 and the services have been regularised w.e.f. 12.11.2018 by the Office Order dated 21.02.2024, it is expected that the State respondents would complete the necessary steps for disbursement of the service benefits of in an expeditious manner.

Mr. E. Thiba Phom, learned State Counsel has agreed to the above submissions and observations.

A copy of the said Office Order dated 21.02.2024, mentioned above, has been placed before the Court by Mr. Zhimomi, learned counsel for the petitioner and the said Office Order is to be kept as part of the case records.

Projecting the above facts, Mr. Zhimomi, learned counsel for the petitioner has submitted that the writ petition can be closed, at this stage, reserving the liberty to the petitioner to approach again in the event of any subsequent cause of action. The writ petition is accordingly closed, reserving the liberty to the petitioner, as prayed for.

Sd/-

JUDGE

Comparing Assistant