

GAHC020006012024

2024:GAU-NL:527



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

Case No. : WP(C)/221/2024

SHRI TOSHI
S/O YONGAN
R/O LONGLENG TOWN
LONGLENG DISTRICT, NAGALAND

VERSUS

THE STATE OF NAGALAND AND 5 ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVT. OF
NAGALAND, KOHIMA

2:THE PRINCIPAL SECRETARY
PHED
NAGALAND KOHIMA

3:THE COMMISSIONER AND SECRETARY
P AND AR DEPT.
NAGALAND KOHIMA

4:THE SECRETARY
DEPT. OF FINANCE
NAGALAND KOHIMA

5:THE CHIEF ENGINEER
PHED
NAGALAND KOHIMA

6:THE EXECUTIVE ENGINEER
PHED
LONGLENG NAGALAN

Advocate for the Petitioner : A. SOPHIE, AKHRIEU CHUSI,ASENLA LONGKUMER

Advocate for the Respondent : GOVT ADV NL,

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

ORDER

Date : 27-09-2024

Heard Mr. A. Sophie, learned counsel for the petitioner and Ms. S. Chang, learned State Counsel appearing for the respondent nos. 1 to 6.

2. In view of the nature of issue involved and as agreed to by the learned counsel for the parties, this writ petition is taken up for consideration at the motion stage itself.

3. The projected case of the petitioner is that initially by an Office Order dated 17.09.1990 [Annexure-1], the petitioner came to be appointed as a Work-Charged Labour on fixed pay w.e.f. 17.09.1990 and pursuant to the said Office Order, the petitioner joined his service as a Work-Charged Labour in the establishment of the Executive Engineer, Public Health Engineering Department [PHED], Tuensang Division, Nagaland. While the petitioner was continuing his service, he was upgraded to Work-Charged Khalasi by providing him scale of pay by an Office Order dated 25.02.2021 [Anenxure-2] passed by the Chief Engineer, PHED, Sanitation & WSSO, Nagaland, Kohima.

4. Having regard to the situation faced by the Work-Charged and Casual Employees in the State of Nagaland, the Personnel & Administrative Reforms [P&AR] Department, Government of Nagaland has framed a 'Scheme for regularization and absorption of Work-Charged and Casual Employees' ['the Scheme', for short] in the year 2015 and the said Scheme has been notified by an Office Memorandum dated 17.03.2015 [Annexure-3]. As per the Scheme notified by the Office Memorandum dated 17.03.2015, all existing Work-Charged and Casual Employees of various departments who are enjoying scale of pay and who have completed thirty years or

more continuous services as on 01.01.2015 would be regularized by conversion of their posts into regular ones personal to them and subject to fulfilment of conditions mentioned therein. It has been further mentioned that in respect of those Work-Charged and Casual Employees in scale of pay who have completed or would complete thirty years of continuous services after 01.01.2015, their cases for regularization would be taken up subsequently in two batches as on 1st July and 1st January every year.

5. It is the further case of the petitioner that on being on being eligible to be regularized in terms of the Scheme, he submitted a Representation before the Chief Engineer, Public Health Engineering Department [PHED], Nagaland on 24.07.2024 [Annexure-4] to consider his case for regularization and the receipt of the said Representation was duly acknowledged by the office of the Chief Engineer, PHED, Nagaland under its signature and seal on 24.07.2024 itself.

6. As no action seemed to have been taken regarding regularization of the services of the petitioner in terms of the Scheme notified by the Office Memorandum dated 17.03.2015, the petitioner is before this Court by way of this writ petition seeking inter alia a direction to the State respondents to regularize the services of the petitioner in terms of the Scheme notified by the Office Memorandum dated 17.03.2015.

7. Mr. Sophie, learned counsel for the petitioner has submitted that in an earlier occasion, this Court by an Order dated 26.09.2024 passed in a writ petition, W.P.[C] no. 220/2024, directed the State respondents to complete the process of regularization of the services of the petitioner therein, who is similarly situated like the petitioner herein, within a stipulated period of time.

8. Ms. Chang, learned Junior Government Advocate appearing for the State respondents has submitted that as the petitioner is similarly situated like the petitioners in the writ petition, W.P.[C] no. 220/2024, this writ petition can be disposed of with similar directions.

9. As it is evident from the Office Memorandum dated 17.03.2015, the State of Nagaland has already framed a Scheme for regularization and absorption of Work-Charged and Casual Employees by providing that all Work-Charged and Casual Employees of various departments who are enjoying scale of pay and who have completed thirty years or more continuous services would be regularized from time to time, subject to fulfilment of the conditions indicated therein. As the petitioner is found to have fulfilled the two main conditions, that is, thirty years or more continuous service as a Work-Charged employee and the grant of a scale of pay, the State respondents are obligated to consider the case of the petitioner for regularization in terms of the Scheme framed and notified by the Office Memorandum dated 17.03.2015 subject to fulfilment of the other conditions mentioned therein.

10. In the above obtaining fact situation, the instant writ petition is disposed of with a direction to the State respondents to consider the case of the petitioner in terms of the Scheme framed for regularization and notified by the Office Memorandum dated 17.03.2015 and to bring the process to its logical conclusion as expeditiously as possible, preferably on or before 31.01.2025.

11. This order disposes of the writ petition. No cost.

JUDGE

Comparing Assistant