

GAHC020006082023



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

Case No. : WP(C)/256/2023

SHRI THONGPANG PHOM
W/C JUGALI, EXECUTIVE ENGINEER PHED, LONGLENG DIVISION,
LONGLENG NAGALAND

VERSUS

THE STATE OF NAGALAND AND 4 ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVT. OF
NAGALAND

2:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF
NAGALAND
PHED NAGALAND KOHIMA

3:THE CHIEF ENGINEER
PHED NAGALAND KOHIMA

4:THE EXECUTIVE ENGINEER
PHED
LONGLENG DIVISION
NAGALAND KOHIMA

5:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF
NAGALAND
P AND AR DEPT
NAGALAND KOHIM

Advocate for the Petitioner : HISINLO HIMB

Advocate for the Respondent : GOVT ADV NL

**BEFORE
HON'BLE MR. JUSTICE BUDI HABUNG**

ORDER

Date : 23.07.2024

Heard Mr. Hisinlo, learned counsel for the petitioner. Also heard Ms. S. Chang, learned Government Advocate appearing for the State respondents.

2. The case of the petitioner leading to the filing of this writ petition is that he was appointed as W/C Labour by an order No.SDO/PHE/LLG/EST-5/92-93/1024-28 dated 28.3.1991 at Rs.375/- fixed p.m under the establishment of the Sub-Divisional Officer (PHED), Longleng Sub-Division. Thereafter, on 5.3.2021, the petitioner's service was upgraded to W/C Jugali in the scale of pay of Rs.3000-15200/- PM with grade pay of Rs.1300/- and continued in service in the same post since then. However, in spite of completion of his service for more than 32 years in the department, his service has not yet been regularized. Therefore, the petitioner approached the respondent authorities by submitting representation on 19.4.2023 for regularizing of his service.

3. It is submitted that there is a standing Office Memorandum dated 17.3.2015 issued by the Government of Nagaland, which provides for regularization and absorption of all the existing Work-Charged and Casual Employees who are enjoying scale of pay and who have completed 30(thirty) years of continuous service as on 01.01.2015 and also revision of pay and wages.

4. Since, the petitioner is eligible for consideration having completed more than 30 years of services, he has sought for invoking the said Office Memorandum for the purpose of regular-

izing his service and revision of pay. It is further submitted that although the case of similarly situated persons has already been considered, in terms of the aforesaid Office memorandum, the same benefit may be extended to the petitioner.

5. Ms. S. Chang, learned Government Advocate appearing for the State respondents while presenting a copy of the status of the petitioner's case fairly submits that the case of the petitioner is under consideration. The said status report issued by the Addl. Chief Engineer & HOD, PHED Nagaland is taken on record and marked as document-X for identification. It says that as per the guidelines of the Office Memorandum dated 17.3.2015, the name of the petitioner along with similarly situated employees have been complied and proposal have been forwarded to the Government by letter dated 06.06.2024 for regularization and absorption of work charged employees who had completed 30 years or more continuous service as on 01.07.2023.

6. The learned Government Advocate however, submits that the process for regularization of the work charged employees service has to undergo certain stages which is likely to take some more time to complete. Therefore, she submits that the matter may be disposed of by giving sufficient time to the Government to complete the process.

7. In view of the above, this writ petition is disposed of with the direction to the respondent authorities to complete the process for regularization of service of the petitioner in terms of the Office Memorandum dated 17.3.2015 and release the arrear

of salary from the date when he was eligible for such consideration after making necessary verification in this regard.

8. The aforesaid exercise of completion of the process for regularization and also for payment of salary as claimed by the petitioner shall be undertaken and complete within a period of 5(five) months from the date of receipt of a certified copy of this order.

9. With the above observation and direction, the present petition stands disposed of.

**Sd/-
JUDGE**

Comparing Assistant