

GAHC020006172023



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

Case No. : COP(C)/22/2023

SHRI TEMSUKABA
PLUMBER, EXECUTIVE ENGINEER(H), DIVISION-1, KOHIMA NAGALAND

VERSUS

SHRI SENTIYANGER IMCHEN (IAS) AND 2 ORS
THE FINANCIAL COMMISSIONER TO THE GOVT. OF NAGALAND, KOHIMA
2:SHRI KESONYU YHOME
IAS
COMMISSIONER AND SECRETARY
WORKS AND HOUSING
NAGALAND KOHIMA

3:ER. HOZHETO SHIKHU
CHIEF ENGINEER
NPWD(HOUSING)
NAGALAND KOHIM

Advocate for the Petitioner : SUPONGWATI WALLING, R ATSULA KIPS

Advocate for the Respondent : ,

B E F O R E
HON'BLE MR. JUSTICE KAUSHIK GOSWAMI
ORDER

14.11.2024

Heard Mr. Supongwati Walling, learned counsel for the

petitioner. Also heard Ms. S. Mere, learned Government Advocate for all the respondents/contemnors.

2] By way of this application under Section 11 and 12 of the Contempt of Courts Act, 1971, read with the Contempt of Courts (Gauhati High Court) Rules, 1977 and Article 215 of the Constitution of India, the petitioner is seeking initiation of contempt proceedings against the willful and deliberate violation of the Order dated 30.03.2023 passed in WP(C) No. 178/2022.

3] It appears that this Court by Order dated 30.03.2023 had directed the respondents to grant the petitioner time bound scale of pay as per Rule 13 of the ROP 1993 read with other relevant guidelines or rules as expeditiously as possible, and preferably within a period of five months from the date of receipt of a certified copy of this order.

4] Today when the matter is called, Ms. Mere, learned Government Advocate for the respondents submits an instructions received from the Office of the Government of Nagaland, Office of Engineer-in-Chief, NPWD, Nagaland, Kohima dated 30.10.2024. The aforesaid instruction dated 30.10.2024 is kept on record and marked as 'X'.

5] A perusal of the aforesaid instruction indicates that the petitioner who was appointed as Work charged Plumber in the Scale of Rs. 900-25-1025-30-1445-35-1760 w.e.f 10.10.1997 was granted time bound scale of Rs. 1000-25-1125-30-1425-35-1880 w.e.f. 10.10.2012. It further appears that thereafter he was absorbed into regular cadre on 21.11.2012 in the PB-1 (5200-20200) with Grade

Pay 2400 and his initial pay fixed at Rs. 9840(7440+2400) as per ROP 2010 which is higher scale of Rs. (1000-25-1125-30-1425-35-1880) in respect of ROP 1993.

6] It further appears that on regularization his scale was fixed higher than time bound scale.

7] In view of the aforesaid, it is stated at the instruction by the Engineer-in-Chief, NPWD that the petitioner's scale was fixed higher than time bound scale on regularization of his service and therefore, the question of arrear does not arise in his case.

8] Perusal of the aforesaid instruction appears that the direction passed by this Court to grant petitioner time bound scale of pay as per ROP appears to have been complied with inasmuch as the petitioner is given higher scale of pay.

9] Mr. Supongwati Walling, learned counsel for the petitioner on instruction submits that the order of this Court against which the contempt petition has been filed is complied with and the petitioner is getting the higher scale as stated by the State respondents.

10] That being so, nothing survives for adjudication in the present contempt petition and accordingly, the contempt petition stands closed.

Disposed of.

JUDGE

Comparing Assistant