

GAHC020006242023



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

Case No. : WP(C)/262/2023

MRS. IMTISUNGLA PHOM
RETD. WORK CHARGED TRACER, R/O YAONG VILLAGE,
LONGLENG-798625, NAGALAND

VERSUS

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

2:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF NAGALAND
DEPT. OF WORKS AND HOUSING NAGALAND KOHIMA

3:THE CHIEF ENGINEER (R AND B)
PWD NAGALAND KOHIMA

4:THE EXECUTIVE ENGINEER (R AND B)
PWD LONGLENG DIVISION
NAGALAND

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

6:THE SECRETARY TO THE GOVT. OF NAGALAND
DEPT. OF FINANCE NAGALAND KOHIM

Advocate for the Petitioner : L LIKHASE SANGTAM

Advocate for the Respondent : GOVT ADV NL

**BEFORE
HON'BLE MR. JUSTICE KAKHETO SEMA**

ORDER

10.05.2024

Heard Mr. Benison V. Shohe, learned counsel for the petitioner and Ms. Sepong Chang, learned Government Advocate for the State respondents.

By the Office Order dated 30.09.1987, issued by the Executive Engineer, PWD, Longleng Division, Longleng, the petitioner was appointed as W/C Tracer in the scale of pay of Rs. 425-9-542-12-614-EB-14-670-15-780/- per month against existing vacancy w.e.f. 01.10.1987. It is the case of the petitioner that though he had served the Department for 35 (thirty-five) years he was not regularized but released from service on 30.09.2022. The petitioner, while in service, had submitted the representation dated 13.02.2020 to the Engineer-in-Chief, NPWD, Nagaland, Kohima through proper channel, for regularization in service as W/C Tracer, however, the same was not considered and the petitioner was allowed to go on retirement. It is the case of the petitioner that in terms of the Office Memorandum (OM) dated 17.03.2015, issued by the Government bringing out the 'Scheme for Regularization and Absorption of W/C and Casual Employees and Revision of Pay/Wages', the petitioner is entitled to be regularized in service. The learned counsel for the petitioner accordingly submits that the respondents, more particularly, respondent Nos. 2, 3 and 4 be directed to regularize the service of the

petitioner in terms of the OM dated 17.03.2015. Ms. Sepong Chang, learned Government Advocate is not averse to the submission made by the learned Government Advocate to consider the case of the petitioner for regularization in service strictly in terms of the OM dated 17.03.2015.

In the light of the submissions made by the learned counsel for the parties, the petition is disposed at the Admission stage with a direction to the State respondents, more particularly, the respondent Nos. 2, 3 and 4 to consider the case of the petitioner for regularization in service strictly in light of the OM dated 17.03.2015 and in accordance with law.

The entire exercise for considering the regularization of the service of the petitioner shall be carried out within a period of 90 (ninety) days from today. Rejection of the case of the petitioner, if any, shall be by a speaking order and shall be furnished to the petitioner without delay.

Writ petition stands disposed.

Sd/-
JUDGE

Comparing Assistant