

GAHC020006522023



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

Case No. : WP(C)/285/2023

SMT. RENBENI
KHALASI (WORK CHARGED)
O/O EXECUTIVE ENGINEER, PHE, DIVISION WOKHA, NAGALAND

VERSUS
THE STATE OF NAGALAND AND 3 ORS
THROUGH THE CHIEF SECRETARY TO THE GOVT. OF NAGALAND 2:THE
COMMISSIONER AND SECRETARY
PHED NAGALAND KOHIMA
3:THE CHIEF ENGINEER
PHED NAGALAND KOHIMA
4:THE EXECUTIVE ENGINEER
WOKHA DIVISION
PHED NAGALAN

Advocate for the Petitioner : TOSHI O. LONGKUMER

Advocate for the Respondent : GOVT ADV NL

**BEFORE
HON'BLE MR. JUSTICE L.S. JAMIR**

ORDER

Date : 18.06.2024

Heard Mr. Toshi O. Longkumer, learned counsel for the petitioner. Also heard Mr. E. Thiba Phom, learned Govt. Advocate appearing for all the respondents.

2. The petitioner was appointed as a Work-charged Skilled Labour on a fixed pay of Rs.540/- per month by an Office order dated 18th of July, 1989, issued by the Executive Engineer, PHED Division, Wokha, Nagaland and was attached to the Executive Engineer (PHED) Division, Wokha. Thereafter, by another Office Order dated 15th of January, 2020, the service of the petitioner was upgraded to Work-charged Khalasi in the scale pay of Rs. 3000-15200/- per month. The said order was issued by the Addl. Chief Engineer, Office of the Chief Engineer, PHED, Nagaland, Kohima. The case of the petitioner is that she has been serving for the last 34 years and 10 months as a Work-charged Khalasi. The further case of the petitioner is that the Personnel and Administrative reforms Department (Administrative Reforms Branch), Govt. of Nagaland has issued an Office Memorandum dated 17th of March, 2015, providing for a Scheme for regularization and absorption of Work-charged and Casual Employees and revision of pay/wages. In the said Office Memorandum dated 17th of March, 2015 it is provided that all existing Work-charged and Casual Employees of various Departments who are enjoying scale pay and who have completed 30 (thirty) years or more continuous service as on 01.01.2015 will be regularized by conversion of their posts into regular ones personal to them and subject to fulfillment of conditions as indicated in the said O.M.

3. The learned counsel for the petitioner submits that as the petitioner has completed 34 years and 10 months as Work-charged

Khalasi on regular scale of pay, the case of the petitioner should be regularized in terms of the Office Memorandum dated 17th of March, 2015. It is also submitted that the petitioner will be retiring in the month of July, 2024 and therefore, it is imperative on the part of the State respondents to consider the case of the petitioner for regularization in terms of the office Memorandum 17th of March, 2015.

4. No counter affidavit has been filed by the State respondents. However, Mr. E. Thiba Phom, learned Govt. Advocate submits that as the State respondents has issued the Office Memorandum dated 17th of March, 2015, wherein, certain conditions has been given for regularization of services of both Work-charged and casual employees of various Departments who are enjoying scale pay, the matter may be remanded to the concerned authorities for consideration of the case of the petitioner in terms of the Office Memorandum dated 17th of March, 2015.

5. Recording the statement made by the learned Govt. Advocate, this Writ petition is disposed of directing the respondent Nos. 2 and 3 to consider the case of the petitioner for regularization of her service in terms of the Office Memorandum dated 17th of March, 2015.

As the petitioner is retiring in the month of July, 2024, the respondent Nos. 2 and 3 are expected to consider the case of the

petitioner for regularization prior to her retirement.

6. Let such exercise be done and completed within a period of 4(four) weeks from the date of receipt of a copy of the order of this Court.

7. With the above observations and direction, this Writ Petition is disposed of.

Sd/-

JUDGE

Comparing Assistant