

GAHC020007012024



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

Case No. : I.A.(Civil)/180/2024

THE STATE OF NAGALAND AND 3 ORS
THROUGH THE CHIEF SECRETRY TO THE GOVT. OF NAGALAND

VERSUS

SMTI MEYATOLA
KHALASI (WORK CHARGE)
C/O EXECUTIVE ENGINEER
WOKHA DIVISION
NAGALAND

Advocate for the Petitioner : GOVT ADV NL,

Advocate for the Respondent : ,

Linked Case : WP(C)/288/2023

SMTI. MEYATOLA
KHALASI (WORK-CHARGED)
O/O EXECUTIVE ENGINEER
WOKHA DIVISION
NAGALAND

VERSUS

THE STATE OF NAGALAND AND 3 ORS
THROUGH THE CHIEF SECRETRY 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 NAGALAND

Advocate for : TOSHI O. LONGKUMER
Advocate for : GOVT ADV NL appearing for THE STATE OF NAGALAND AND 3
ORS

BEFORE
HON'BLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

12/11/24

Heard Mr. E Thiba Phom, learned State counsel for the applicant. Also heard Mr. Toshi O. Longkumer, learned counsel for the sole respondents. By way of this application, the applicants is seeking extension of the period for compliance of this Court Order dated 18.06.2024 passed in Writ Petition 288/2023. Relevant paragraph 5 and 6 of the Order dated 18.06.2024 is reproduced here under for ready reference.

“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 February, 2027, 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 3(three) months from the date of receipt of a copy of the order of this Court.”

It appears that in terms of the statements made by learned Government Advocate, the writ petition 288/2023 was disposed of by this court by directing respondent no. 2 and 3 to consider the case of the petitioners for regularization of service in terms of Office memorandum dated 17.03.2005 within a period of 3(three) months from the date of receipt of a copy of the Order of this Court.

By filling the present application, the respondents is seeking extension of the period for another 6(six) months on the ground that due to the Office procedure the consideration could not be taken within this stipulated period. “Paragraph 2 and 3” is reproduced here under for ready reference.

“2. That the applicant is humbly beg to state that in compliance of the Hon’ble Court Order, the petitioner case has been forwarded to the higher authority for consideration, however, it is pertinent to mentioned herein that the process of regularization of Workcharged Employees service had to undergo the following stages as stated in the Office Memorandum dated 17.03.2015, are as follows;

a. Personal and administrative Reforms Department Clearance.

b. Finance Clearance

c. MRC (Manpower Rationalization Committee) Clearance and Cabinet approval.

Thus, due to aforesaid lengthy processes, the respondents authorities could not considered the petitioner’s case on the stipulated period. However, it is further states that the petitioner along with other similar situated Workcharged Employees have been forwarded to the higher authority for Clearance and thereafter, the matter will be submitted to the P& AR Department for clearance.

3. That the applicant is humbly beg to state that though the Hon’ble Court specific direction has been expired on 21.09.2024, your Hon’ble Court may kindly extend the period for another 6 (six) months for strict compliance of the Hon’ble Court Order dated

18.06.2024 for the interest of Justice.”

Mr. Toshi, learned counsel for the sole respondent submits that though he does not object to the extension, however, since the issue pertains to regularization of the service of the petitioner, 6(six) months time sought for be strictly adhered to.

Upon considering the ground for extensions, this court is of the considered view that the applications be allowed by granting the State respondents further, 6(six) months time to comply with the direction passed earlier by this court in writ petition No. 288/2023, by order dated 18.06.2024.

Ordered accordingly.

It is needless to be clarified that since the issue pertains to regularization of the service of the petitioner, respondents shall ensure that the consideration in terms of the court Order dated 18.06.2024 be strictly complied within the extended stipulated period.

The I.A stands disposed of.

Sd/-

JUDGE

Comparing Assistant