

GAHC020007912022



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

Case No.: WP(C)/328/2022

SHRI. LAM KHIAM
S/O LUSOP

R/O TUENSANG TOWN

TUENSANG
NAGALAND

VERSUS

THE STATE OF NAGALAND AND 5 ORS
REPRESENTED BY THE CHIEF SECRETARY

GOVERNMENT OF NAGALAND
KOHIMA
NAGALAND

2:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF NAGALAND

DEPARTMENT OF PERSONNEL AND ADMINISTRATIVE REFORMS(P AND AR)
KOHIMA
NAGALAND

3:THE PRINCIPAL SECRETARY AND DEVELOPMENT COMMISSIONER

DEPARTMENT OF PLANNING AND CO-ORDINATION
KOHIMA
NAGALAND

4:THE FINANCE COMMISSION

NAGALAND
KOHIMA

5:THE DEPUTY COMMISSIONER

TUENSANG
NAGALAND
6:THE ADDITIONAL DEVELOPMENT COMMISSIONER

DEPARTMENT OF PLANNING AND CO-ORDINATION
KOHIMA
NAGALAND

For the petitioner (s) : Mr. Joshua Sheqi, Advocate
Ms. Mika H Aye, Advocate

For the respondent (s) : Ms. Inaholi, Govt Advocate

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH
O R D E R

07.06.2024

The petitioner in the instant writ petition admittedly has been appointed on contingency basis. The petitioner has also rendered more than 30 years of service and was granted the scale of pay. However, on account of the judicial interpretation given that the Office Memorandum dated 17.03.2015 would not include contingency workers, Ms. Mika H Aye, the learned counsel appearing on behalf of the petitioner submits that the writ petition in the manner in which it has been filed would not succeed sans a challenge being made to the Office Memorandum dated 17.03.2015. The learned counsel for the petitioner therefore submits that she may be permitted to withdraw the instant writ petition and liberty may be granted to re-file by challenging the Office Memorandum dated 17.03.2015 and seeking other consequential reliefs.

2. This Court upon hearing the learned counsels appearing on behalf of the petitioner as well as the respondents is of the opinion that the petitioner should be granted the permission to withdraw the instant writ petition and liberty also should be granted in as much as without a challenge to the Office Memorandum dated 17.03.2015, the petitioner would not be able to get the relief as sought for in the present writ petition.

3. Accordingly, the instant writ petition stands closed on withdrawal. Liberty granted as sought for.

Sd/-

JUDGE

Comparing Assistant