

GAHC020001782025

2025:GAU-NL:413



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

Case No. : WP(C)/60/2025

T AKALA LONGKUMER
D/O LT. TAKOMATO, R/O CHUCHUYIMLANG VILLAGE,
MOKOKCHUNG NAGALAND

VERSUS

STATE OF NAGALAND AND 2 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY, DEPT.
OF FISHIRIES AND AQUATIC RESOURCES, GOVT. OF NAGALAND,
NAGALAND KOHIMA

2:THE COMMISSIONER AND SECRETARY
P AND AR DEPT
NAGALAND KOHIMA

3:THE DIRECTOR
FISHIRIES AND AQUATIC RESOURCES
NAGALAND KOHIM

Advocate for the Petitioner : MOA JAMIR, SHISA JAMIR,T.METSIEO,THEJANUO
METHA,R MERE,M SOLO,M JEMU

Advocate for the Respondent : GOVT ADV NL,

**BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH**

Advocates

For the petitioners : Mr. Moa Jamir
For the respondents : Ms. Bichano Kithan (GA)

Date of Hearing : 01.09.2025
Date of Judgment : 01.09.2025

J U D G M E N T & O R D E R (O R A L)

Heard Mr. Moa Jamir, learned counsel appearing on behalf of the petitioner and Ms. Bichano Kithan, learned Government Advocate appearing on behalf of the respondents.

2. In the instant writ petition, the petitioner seeks appropriate directions for compliance to the Office Memorandum dated 17.03.2015 in as much as the petitioner duly claims that she is eligible as per the said O.M. for her services to be regularized.

3. It is the case of the petitioner that she was appointed on 03.11.1992 as contingency paid employee at fixed pay of Rs. 475/- per month under the establishment of the Chief Executive Officer, Fish Farmers Development Agency Dimapur, Nagaland and subsequently vide an Office Order dated 16.10.2018 she was granted pay scale in the Revised Pay Band of P.B.-15-4400-17200/- with Grade Pay of Rs. 1300/- per month with effect from 01.11.2018(FN). The petitioner has been rendering continuous service for more than 32 years. It is the case of the petitioner that in terms with the O.M. dated 17.03.2015, the petitioner completed 30 years on 03.11.2022.

4. The case of the petitioner therefore, as would be clear from the materials on record is that the petitioner ought to have been regularized in terms of the O.M. dated 17.03.2015 on 03.11.2022. However, as the same was not done, therefore, the petitioner has approached this Court by filing the instant writ petition.

5. Ms. Bichano Kithan appearing on behalf of the respondents has submitted on the basis of her affidavit-in-opposition dated 12.08.2025 on behalf of the respondent nos. 1 to 3 wherein it has been mentioned case of the petitioner will be covered under Notification No.AR/LEGAL-5/8/2024 dated 05.03.2025 and included as a casual employee subject to verification of her service. It is further stated in the affidavit that as per the Office Memorandum dated 17.03.2015, the case of the petitioner will be considered if her case is cleared by the P&AR, Finance, Man Power Rationalization Committee as well as the Cabinet approval.

6. This Court has perused the pleadings as well as the instructions kept on record and taken note of the respective submissions made by the learned counsels appearing on behalf of the parties. For the purpose of deciding the instant dispute, this Court finds it relevant to take note of the Office Memorandum dated 17.03.2015. From a perusal of the said Office Memorandum, it is seen that the said Office Memorandum relates to the Scheme for regularization and absorption of Work-Charged and casual employees and the revision of wage/wages. It is further seen from Clause 1 (i) that all existing Work-Charged and casual employees of the various Departments who are enjoying scale pay and who have completed 30 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 therein. The conditions which have been stipulated from (a) to (h) of Clause 1(i) are in respect to the actions to be taken by the Respondent Departments and the employee has no role in complying with the said conditions. The only requirement as per Clause 1(i) is that the concerned employee has to complete 30 years or more continuous service as on 01.01.2015 and on scale pay. The case of the petitioner would come under Clause 1 (ii) in as much as the petitioner did not complete 30 years as on 01.01.2015, but completed only on 03.11.2022. Taking into account the above, Clause 1 (ii) is reproduced herein under:-

“1 (ii). In respect of those Work-Charged and casual employees in scale pay and who have completed or will complete 30 (thirty) years of continuous service after 01.01.2015, their cases for regularization will be taken up subsequently in two batches: on 1st July and 1st January every year. The procedure and terms and conditions will be the same as laid down in this O.M.”

7. It would therefore be seen from a perusal of the above quoted Clause 1(ii) of the Office Memorandum dated 17.03.2015 that those Work-Charged and casual employees in scale pay who have completed or will complete 30 years of continuous service after 01.01.2015, their cases for regularization will be taken up subsequently in two batches on 1st July and 1st January every year. It is also seen that the compliance to the procedure and terms and conditions will have to be same as laid down in the Office Memorandum meaning thereby that the conditions enumerated in sub-clauses (a) to (h) of Clause 1 (i) is required to be complied with.

8. This Court further takes note of Clause 3 of the said Office Memorandum which also stipulates that there are various requirements to be complied with by the respondent authorities, which would include the concurrence of the Finance Department as well as the Cabinet approval.

9. Taking into account that the petitioner had completed 30 years of continuous service as on 03.11.2022 the petitioner's right to be regularized would arise on 04.11.2022.

10. This Court is aware of the fact that some more time would be required to complete the process of regularization. Further to that, in the procedure to be complied with, the petitioners have no role to play. This Court has also taken note of that the Respondent Authorities are mandated by the Office Memorandum dated 17.03.2015 to do the needful.

11. Accordingly, this Court disposes of the instant writ petition with the following observations and directions:-

(i) As the petitioner has already completed 30 years of service on 03.11.2022, the case of the petitioner be considered in terms with the Office Memorandum dated 17.03.2015 at the earliest and preferably within 6 (six) months from the date a certified copy of the instant judgment and order is served upon the respondent Nos.1, 2 & 3.

(ii) This Court further takes note of that as the right of the petitioner to get her services regularized accrues on completion of 30 years which would be on 03.11.2022, and as such, the regularization of the petitioner be given effect to from 04.11.2022. The petitioner, on the

basis of such regularization, would be entitled to all benefits deeming that the petitioner had been regularized with effect from the date of regularization as mentioned above.

JUDGE

Comparing Assistant