

GAHC020002712025

2025:GAU-NL:338



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

Case No. : WP(C)/87/2025

SMTI. CHAUSHOM PHOM,
W/O LATE H. CHAUBA PHOM,
R/KHALASI EXECUTIVE ENGINEER PHED,
LONGLENG DIVISION,
LONGLENG, NAGALAND

VERSUS

THE STATE OF NAGALAND AND 4 ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT
OF NAGALAND, KOHIMA

2:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
NAGALAND

PHED
NAGALAND
KOHIMA

3:THE CHIEF ENGINEER

PHED
NAGALAND
KOHIMA

4:THE FINANCE COMMISSIONER TO THE GOVT. OF NAGALAND

FINANCE DEPARTMENT
NAGALAND
KOHIMA

5:THE EXECUTIVE ENGINEER

PHED
LONGLENG DIVISION
LONGLENG
NAGALAN

Advocate for the Petitioner : LAKNYEI PHOM, AYALA IMCHEN, AKUM
AIER, ASENLA S LONGKUMER

Advocate for the Respondent : GOVT ADV NL,

BEFORE
HON'BLE MRS. JUSTICE YARENJUNGLA LONGKUMER

ORDER

25/07/2025

The present application has been filed under Article 226 of the Constitution of India praying for release of arrears of salary w.e.f. 02.01.2020 to 30.11.2024 in respect of the petitioner's late husband.

2. I have heard learned counsel for the petitioner, Mr. Laknyei Phom and the learned Government Advocate, Mr. M. Longkumer.

3. The case of the petitioner is that by appointment order 21.12.1989, the petitioner's late husband was appointed as Chowkidar on fixed pay of Rs. 375/- per month under the establishment of Sub-Divisional Officer, PHED, Longleng Division, Nagaland. Therefore, by Office Order dated 15.01.2020, his pay was upgraded to W/C Khalasi in the Scale of pay Rs. 3000-15200/- per month with grade pay of Rs. 1300/- as per an Administrative approval of the Government dated 14.01.2020 w.e.f. 01.01.2020. Subsequently, his service was regularized by Office Order

dated 13.09.2024. However, the petitioner's late husband was released from service on 25.11.2025 w.e.f. 30.11.2024 on completion of thirty five years of service.

4. It is stated that the petitioner has obtained the death certificate of her late husband and thereafter, a succession certificate from the court of District Judge, Longleng, Nagaland on 07.01.2025 to claim the service benefits and pensionary benefit payable to her late husband. Thereafter, the petitioner submitted her representation dated 22.02.2025 before the Chief Engineer PHED, Nagaland, Kohima requesting for release of arrears of salary w.e.f. 02.01.2020 to 31.11.2024 in respect of her late husband Shri. H. Chauba Phom, Khalasi in the Office of the Executive Engineer PHED, Longleng Division. However, the petitioner's representation was not considered. Being aggrieved the petitioner is before this Court.

5. The learned Government Advocate, Mr. M. Longkumer has submitted that the Government is not disputing the fact that the arrears of pay as claimed by the petitioner is admissible to her. However, the matter is under process and it will take some time to release the said arrears. Accordingly, he has prayed that some time may be granted to the State respondent to release the same.

6. Learned Government Advocate also submits that in the writ petition at **Annexure 'A4'** in release order dated 25.11.2024, the date of release is given as dated 30.11.2024. However, the same has been rectified by another order No. EE-PHE/LLG/EST-1/2024-25/02 dated Nil September, 2024 by which the date of release has been rectified as 13.08.2024

instead of 30.11.2024.

7. In view of the fact that the prayer made in the writ petition is not disputed by the State respondent, the petition is disposed of at the admission stage with the direction to the respondents Nos. 3 and 5 to release the arrears of salary of the petitioner's late husband w.e.f. 02.01.2020 to 13.08.2024 within a period 3(three) months from the date of receipt of this Court.

Petition is disposed of.

JUDGE

Comparing Assistant