

GAHC020004052024

2025:GAU-NL:5



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

Case No. : WP(C)/145/2024

SHRI KAOHAI
PIMS NO.PWD06173,
AGED ABOUT 61 YEARS, SON OF PEHEN, PANGSHA OLD VILLAGE,
NOKLAK DISTRICT, NAGALAND

VERSUS

THE STATE OF NAGALAND AND 8 ORS
THROUGH THE CHIEF SECRETARY, TO THE GOVERNMENT OF
NAGALAND, NAGALAND, KOHIMA.

2:THE COMMISSIONER AND SECRETARY

TO THE GOVERNMENT OF NAGALAND
PERSONNEL AND ADMINISTRATIVE REFORMS DEPARTMENT
NAGALAND
KOHIMA.

3:THE FINANCIAL COMMISSIONER
NAGALAND
KOHIMA

4:THE COMMISSIONER AND SECRETARY

TO THE GOVERNMENT OF NAGALAND
WORKS AND HOUSING DEPARTMENT
NAGALAND
KOHIMA

5:THE ENGINEER-IN-CHIEF

NAGALAND PUBLIC WORKS DEPARTMENT
NAGALAND
KOHIMA

6:THE CHIEF ENGINEER

NAGALAND PUBLIC WORKS DEPARTMENT (ROADS AND
BRIDGES)
NAGALAND
KOHIMA

7:THE EXECUTIVE ENGINEER

PUBLIC WORKS DEPARTMENT (ROADS AND BRIDGES)

NOKLAK
NAGALAND

8:THE TREASURY OFFICER

TUENSANG
NAGALAND

9:THE ACCOUNTANT GENERAL

NAGALAND
KOHIMA

Advocate for the Petitioner : I. IMTI LONGCHAR, VIKHONO KISO,OBANGNENLA
LONGCHAR,CHOUNG THAI,CHOUNG THAI

Advocate for the Respondent : GOVT ADV NL,

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

21.01.2025

Heard the learned counsel Mr. Obangnenla Longchar appearing for the
petitioner. Also heard Mr. Moa Inchen, the learned Senior Government Advocate

representing the State Respondents.

2. This is an application under Article 226 of the Constitution of India praying for enforcement of the petitioner's constitutional and legal rights guaranteed under Part-III of the Constitution of India particularly Articles 14, 16, 21 and 39 (d).

3. The petitioner Shri. Kaohai was serving in the establishment of Executive Engineer, PWD (Roads & Bridges) Noklak Division, Nagaland as a Work-Charge fixed pay labourer since 21.06.1986. His Identity Card bore Code No.NLK/102 dated 29.10.2014.

4. In terms of Section 3(1) and Section 3(2) of the Nagaland Retirement from Public Employment (Second Amendment) Act, 2009, the petitioner was released from service with effect from 30.06.2021, on completion of 35 years of continuous service.

5. After his retirement, the petitioner submitted a representation to the Engineer-in-Chief, NPWD praying for pensionary benefits on special priority. The said representation was not considered. Therefore, the present writ petition has been filed praying for a direction asking the State respondents to regularize the services of the petitioner with effect from 21.06.1986 to 30.06.2021 so that the petitioner would get pensionary benefits.

6. Mr. Obangnenla Longchar has pointed out that in a similarly situated circumstance, this Court in WP(C) No.21/2021 [Shri. Angphei Konyak -versus- The State of Nagaland and 2 Ors.] directed the State respondents to regularize the services of the petitioner of that case. The relevant paragraphs of the order is quoted as under:

“7. It has been submitted by the learned counsel for the petitioner that the petitioner, when he retired enjoyed, only Rs. 3450/- per month as pay. It is difficult to imagine how he would have struggled all his life to look after his

family members. After having led such a life, to let him go empty handed cannot be reasonable. Slavery and forced labor are things of the past but it appears that for some people they still suffer from such practices. Therefore, in similar cases, i.e. WP(C)/241/2021, WP(C)/242/2021, WP(C)/243/2021, WP(C)/244/2021, WP(C)/245/2021, WP(C)/246/2021, WP(C)/247/2021, WP(C)/248/2021 and WP(C)/249/2021, this Court on 24.03.2022 had allowed the prayer of the persons who are similarly situated as the petitioner, and directed the State Government to consider regularization of their services for pension and pensionary benefits.

8. Taking into view the Order passed in those nine Writ Petitions and the Order of the Hon'ble Supreme Court given above, this Court is of the view that the case of the petitioner, praying for regularization of his service so that he may enjoy pension and pensionary benefits is a legitimate prayer."

7. The aforesaid order of the Single Bench was challenged before a Division Bench of this Court in Writ Appeal No.35/2022 [The State of Nagaland & 2 Ors. -versus- Shri Angphei Konyak] and the Division Bench dismissed the said appeal.

8. The State respondents moved the Hon'ble Supreme Court vide Special Leave Petition (Civil) Diary No(s).22747/2024 challenging the judgment of the Division Bench and the Hon'ble Supreme Court also dismissed the said Leave Petition.

9. I have heard the learned counsel of both sides.

10. The factual matrix leading to filing of the present writ petition is squarely covered by the factual matrix leading to filing of the WP(C) No.21/2021. Therefore, the decision of this Court rendered in the said writ petition is applicable in the present case also.

11. Accordingly, the present writ petition is disposed of with a direction to the State respondents to regularize the services of the petitioner within a period of

4(four) months from the date of receipt of the copy of this order so that the petitioner will be able to enjoy pension and other pensionary benefits after all those years of dedicated services rendered to the State.

JUDGE

Comparing Assistant