GAHC020004492024

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

Case No. : WP(C)/159/2024

SHRI CHAUHAM PHOM
PART TIME CLEANER
NST DEPT.
LONGLENG SUB STATION
NAGALAND

VERSUS

THE STATE OF NAGALAND AND 3 ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVT. OF NAGALAND

2:THE MANAGER
NAGALAND STATE TRANSPORT
DIMAPUR NAGALAND

3:ASSISTANT STATION SUPERINTENDENT
LONGLENG NAGALAND

4:THE FINANCE COMMISSIONER
GOVT. OF NAGALAND
DEPT. OF FINANCE
NAGALAND KOHIM

Advocate for the Petitioner : HISINLO HIMB, PHILIP LORIN,BERTA TEP

Advocate for the Respondent : GOVT ADV NL,

BEFORE
HON'BLE MR. JUSTICE BUDI HABUNG

ORDER

Date : 03-04-2025

Heard Mr. Lelimthong, learned counsel for the petitioner. Also heard Ms. A. Ayemi, learned Government Advocate appearing for the State respondents.

2. By filing this writ petition under Article 226 of the Constitution of India, the petitioner is seeking direction to the respondent authorities to consider her case for granting higher scale of pay from the date of her initial appointment.

3. The case of the petitioner is that by office order No.NST/ESTT/2335/84/126 dated 12.10.1995 he was appointed as part time cleaner w.e.f. 01.10.1995 in the fixed pay of Rs.450/- per month under the establishment of NST Department, Lomgleng, Nagaland and posted at Longleng Sub-Station. Thereafter, he was granted fixed pay of Rs.5200/- PM as per the policy of the Government for grant of fixed pay for skilled employees. Since then the petitioner has been serving the Department for about 30 years.

4. The further case of the petitioner is that earlier the petitioner submitted several representations dated 29.11.2004, 20.08.2008, 22.04.2015 and 03.02.2020 before the authority with a request for granting higher scale of pay. However, his representations were not considered.

5. The learned counsel for the petitioner further submits that, in a similar case, this Court, by an order dated 24.9.2018, passed in W.P.(C) 165 to 168(K)/2018, directed the State respondents to consider the petitioner's case for granting a scale of pay. Accordingly, in compliance with the Court's order, the respondent authorities, vide office order dated 23.1.2020, granted a scale of pay to the petitioners. It is submitted that the petitioner's case is similarly situated and squarely covered by the decision in those cases. Therefore, prays for similar relief.

6. However, at this stage, the learned counsel for the petitioner has presented Office Memorandum No.AR-3/GEN-67/2001 dated 5.3.2025, issued by the Chief Secretary, Government of Nagaland. This memorandum pertains to conversion of wages of work-charged and casual employees to scale pay as per the Revision of Pay (ROP) 2015, which is reproduced below for ready reference:-

> *" On the recommendation of the Nagaland Work-Charged and Casual Employees Commission and in pursuance of the Cabinet's decision conveyed vide letter No.CAB-1/14/.2023 dated 25th February 2025, all Work-Charged and Casual Employees in all the Departments, whose name have been duly verified by the District Level verification Committee and registered in PIMS, receiving fixed pay shall be granted scale of pay as per the Revision of Pay, 2015 with effect from 01.04.2025.*
>
> *Therefore, all departments having Work-Charged and Casual employees are directed to expedite the conversion accordingly."*

The office memorandum dated 5.3.2025 is taken on record and marked as document 'X ' for identification.

7. In light of the above Office Memorandum as placed before this court, the learned counsel for the petitioner submits that, since the Government has already granted a scale of pay to the work-charged and casual employees as per the revision of Pay 2015, this writ petition should be disposed of with a direction to the respondent authorities to consider the petitioner's case according to the Office Memorandum dated 5.3.2025.

8. Ms. A. Ayemi, learned Sr. Government Advocate, while supporting to the submission made by the learned counsel for the petitioner submits that in view of the issuance of the Office Memorandum dated 5.3.2025, she has no objection if this writ petition is disposed of with the direction as prayed for by the learned counsel for the petitioner by giving at least 4 (four) months' time to the respondent for compliance.

9. In light of the Office Memorandum issued by the Chief Secretary to the Government of Nagaland on 5.3.2025, and on being agreed by the parties, this writ petition is disposed of with a direction to the respondents authorities to consider the petitioner's case for granting a scale of pay as per the revision of Pay, 2015, in accordance with Office Memorandum No.AR-3/GEN-67/2001, dated 5.3.2025, within 4 (four) moths from the date of receipt of a certified copy of this order.

10. With these observations, this writ petition stands disposed of.

Sd/-
JUDGE

Comparing Assistant