



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

Linked Case : WP(C)/227/2019

KIYEVI CHOPHY
PEON
GOVT. MIDDLE SCHOOL
ZUHESHE VILLAGE
NUILAND.
DIMAPUR

VERSUS

THE STATE OF N/L AND 2 ORS
REP. BY THE COMM. AND SECY.
DEPT. OF SCHOOL EDUCATION
GOVT. OF N/L.KOHIMA

2:THE PRONCIPAL DIRECTOR/DIRECTOR
DIRECTORATEOF SCHOOL EDUCATION
GOVT. OF N/L
KOHIMA.

3:THE DIST. EDUCATION OFFICER
DIMAPUR
NAGALAND.

Advocate for : A. ZHIMOMI
Advocate for : GOVT ADV NL appearing for
THE STATE OF N/L AND 2 ORS

**BEFORE
HON'BLE MRS. JUSTICE SHAMIMA JAHAN**

ORDER

Date : 21-07-2025

This application has been filed under Article 226 of the Constitution of India for the issuance of a writ of Mandamus so as to direct the respondent authority to pay the petitioner the scale pay in terms of the ROP 2010 and ROP 2017 with arrear thereof.

It is the case of the petitioner that the petitioner was appointed as a Peon under the establishment of Deputy Inspector of School, Dimapur vide order dated 30.03.2005. The appointment of the petitioner was on contingency basis and was on a fixed monthly pay of Rs. 2000/- which was later enhanced to Rs. 3450/-p.m. The petitioner also states that he was not allowed to enjoys the benefits of revision of pay unlike his colleagues who were serving on regular basis. He also states that in terms of the ROP 2010, a peon receives the scale pay of Rs. 4400-Rs. 17200/- and in terms of the ROP 2017, the scale of pay was Rs. 4400-Rs. 17200/- with grade pay of Rs. 1300/-. As such, he submits that he is entitled to receive the minimum pay in the scale of pay. He also states that the peon working on regular basis and on contingency basis works similarly and the duties and responsibilities are the same, however, the pay is different. The contingency employees receives a meager amount and the regular employees are paid the scale pay and as such, he states that there is no equal pay for equal work in spite of the fact that they discharge the similar duties and responsibilities. Because of the said discrimination, the petitioner submitted the representation to the concerned authorities but the same had no

positive response till date.

During the hearing of the instant petition, the counsel for the petitioner has placed the O.M dated 05.03.2025 by which it is provided that with the recommendation of the Nagaland Work-charged and Casual Employees Commission and in pursuance of the Cabinet's decision, all Work-charged and Casual employees in all the departments who were receiving the fixed pay would be granted scale of pay as per the Revision of Pay, 2015 w.e.f 01.04.2025. In the said O.M however it is stipulated that before granting the scale of pay, the name of the employees were to be verified by the District Level Verification Committee and who were registered in the PIMS. The said O.M is quoted here below;

“GOVERNMENT OF NAGALAND
PERSONNEL AND ADMINISTRATIVE REFORMS DEPARTMENT
(ADMINISTRATIVE REFORMS BRANCH)
NAGALAND: KOHIMA

No. AR-3/GEN-67/2001

Dated Kohima, the 5th March 2025

OFFICE MEMORANDUM

Sub: Conversion of Wages of Work-Charged & Casual Employees to scale pay as per Revision of Pay (ROP) 2015.

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 names 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 learned counsel for the petitioner submits that the case of the petitioner is squarely covered by the said O.M and as such, necessary order may be passed in view of the same.

Ms. Livika, learned Government Advocate submits that initially there was no rule which provided that the casual employees, who were on fixed pay and contingency employees were to be paid scale of pay. She had placed the notification dated 16.12.2017 where the ROP Rules were not made applicable to person working on contract and who were paid out of contingencies. However, she placed the recent O.M dated 05.03.2025, which allowed the casual employees whose names been duly verified by the DLVC and registered in PIMS may be granted scale pay as per the ROP 2015 w.e.f. 01.04.2025. She as such submits that the present case may be disposed of in view of the said O.M.

Heard the learned counsels for the parties.

It was decided by the Government of Nagaland by issuing the said O.M dated 05.03.2025, that all the Nagaland Work-charged and Casual Employees, in respect of all the departments who were receiving fixed pay would be granted scale of pay as per the ROP 2015. However, it was also stipulated in the said O.M that the said exercise would be done only after the names are verified by the committee and whose names are registered in PIMS. Since the petitioner has prayed for granting him the scale of pay, the present

O.M squarely covers his case. As such, this Court directs the respondent authorities to consider the prayer of the petitioner in the light of the O.M dated 05.03.2025.

The petitioner prays that as far as the prayer No.1 is concerned, she submits that she does not press for the relief for the time being and that she may be given liberty to approach the Hon'ble Court as and when required. The prayer is allowed.

Petition stands disposed of.

Sd/-

JUDGE

Comparing Assistant