



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

Case No. : WP(C)/227/2022

SHRI. HUTUANGBO
CASUAL LABOUR(FIXED),
DIRECTORATE OF FOOD AND CIVIL SUPPLIES,
DIMAPUR, NAGALAND

VERSUS

THE STATE OF NAGALAND AND 6 ORS
THROUGH THE CHIEF SECRETARY TO THE GOVERNMENT OF NAGALAND,
KOHIMA 2:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT
OF NAGALAND

PERSONNEL AND ADMINISTRATIVE REFORMS DEPARTMENT
NAGALAND
KOHIMA

3:THE FINANCIAL COMMISSIONER TO THE GOVERNMENT OF NAGALAND

NAGALAND
KOHIMA

4:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
NAGALAND

FOOD AND CIVIL SUPPLIES

NAGALAND
KOHIMA

5:THE DIRECTOR

DIRECTORATE OF FOOD AND CIVIL SUPPLIES

DIMAPUR

NAGALAND

6:THE SUPERINTENDENT

OFFICE OF THE SUPERNTENDENT OF FOOD AND CIVIL SUPPLIES
PEREN
NAGALAND

7:THE TREASURY OFFICER

PEREN
NAGALAN

Advocate for the Petitioner : KEKHRIESENULO, H ZELIANG

Advocate for the Respondent : GOVT ADV NL,

**BEFORE
HON'BLE MR. JUSTICE BUDI HABUNG**

ORDER

Date : 12-03-2025

Heard Ms. Kekhriesenuo, learned counsel appearing for the petitioner. Also heard Mr. V. Zhimomi 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 his case for granting higher scale of pay.

3. The case of the petitioner is that by office order No.SUB-1/05-06/390 dated 20.06.2005, he was appointed as Casual Labour in the fixed pay of Rs.750/- PM w.e.f.01.06.2005 and posted under the establishment Superintendent, Food & Civil Supplies, Peren, Nagaland.

Thereafter, he was granted fixed pay of Rs.6225/- 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 20 years.

4. The further case of the petitioner is that earlier the petitioner submitted representation before the authority for up gradation to the higher scale of pay. The said representation was not considered therefore, being aggrieved he filed a writ petition before this Hon'ble Court being W.P.(C) 101/2022. This Hon'ble Court vide order dated 09.06.2022 disposed of the said writ petition with a direction to the respondent authorities to take a decision on the petitioner's representation for grant of minimum scale of pay. However, the respondent authorities rejected the representation of the petitioner stating that there is no Government policy for granting minimum scale of pay to the work charged fixed pay employees.

5. The learned counsel for the petitioner further submits that, in a similar case, this Court, by 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, by office order dated 23.1.2020, granted a scale of pay to the petitioners. It is submitted that the case of the present petitioner is similarly situated and squarely covered by those cases.

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."

7. In light of the above Office Memorandum, 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. Mr. V. Zhimomi, learned Government Advocate, who previously mentioned that the State Government is framing a comprehensive policy on the remuneration and terms of service for contingency and fixed

pay employees, now submits that given the issuance of Office Memorandum dated 5.3.2025, she has no objection to the request made by the petitioner's counsel.

9. In light of the Office Memorandum issued by the Chief Secretary to the Government of Nagaland on 5.3.2025, and with the consent of 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 a period of 3(three) months 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