

GAHC020006512024

2025:GAU-NL:353



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

Case No. : WP(C)/238/2024

SUNIL CHATURVEDI
CONSTABLE (DRIVER)
MT BRANCH PHQ
NAGALAND KOHIMA

VERSUS

THE STATE OF NAGALAND AND 2 ORS
REPRESENTED THROUGH THE HOME COMMISSIONER
NAGALAND KOHIMA

2:THE SPECIAL SECRETARY
HOME
POLICE ESTABLISHMENT BRANCH
HOME DEPT.
NAGALAND KOHIMA

3:THE DIRECTOR GENERAL OF POLICE
NAGALAND KOHIMA

Advocate for : WATI JAMIR

Advocate for : GOVT ADV NL appearing for THE STATE OF NAGALAND
AND 2 ORS

BEFORE
HON'BLE MRS. JUSTICE YARENJUNGLA LONGKUMER

ORDER

01.08.2025

Heard Mr. Wati Jamir, learned counsel for the petitioner and Mr. E. Thiba Phom, learned Government Advocate for the State respondents.

2. The present writ petition has been filed under Article 226 of the Constitution of India praying for a direction to the respondent authorities to pay the full salary of the petitioner during the period of suspension, *i.e.*, 02.10.2018 till reinstatement, *i.e.*, 13.03.2020, to direct the respondent authorities to restore the increments and to pay the deducted amount beyond 13.03.2022 and also for a direction to set aside and quash a portion of the impugned Order dated 13.03.2020, whereby the pay and allowances during the suspension period has been denied.

3. Upon hearing the parties, it has been found that there is a provision for preferring appeal against order determining the pay and allowances for the period of suspension to be paid to a government servant on his reinstatement or determining whether or not such period shall be treated as a period spent on duty for any purpose. Such a provision has been made in Rule 17(2)(d) of the Nagaland Services (Discipline And Appeal) Rules, 1967. The petitioner has filed a prayer before the appellate authority dated 05.08.2024 praying for review of the impugned Order dated 13.03.2020 and for payment of arrears and allowances. The said representation/prayer has not been disposed of by the appellate authority till date.

- 4.** Accordingly, this petition is disposed of with a direction to the respondent no. 3/appellate authority to treat the representation dated 05.08.2024 as an appeal under Rule 17(2)(d) of the Nagaland Services (Discipline And Appeal) Rules, 1967 and dispose of the same within a period of 2 (two) months from the date of receipt of a copy of this Order.
- 5.** The period of limitation shall also be condoned by the appellate authority in consideration of the appeal. The petitioner is at liberty to approach this Court if aggrieved by the decision taken by the appellate authority.
- 6.** With the above directions, the petition is disposed of.

JUDGE

Comparing Assistant