GAHC020001052026 2026:GAU-NL:631

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

Case No. : COP(C)/5/2026

SHRI MAHENDRA SHARMA
WORK CHARGE CARPENTER (RETIRED), UNDER THE ESTABLISHMENT OF EXECUTIVE ENGINEER (CAWD), OFFICE OF THE COMMISSIONER, KOHIMA, NAGALAND

VERSUS

SHRI MOHAMMED ALI SHIHAB A, IAS AND 3 ORS
COMMISSIONER AND SECRETARY, PERSONNEL AND ADMINISTRATIVE REFORMS DEPT. NAGALAND, KOHIMA.

2:SHRI GREGORY THEJAWELIE
IAS
COMMISSIONER
NAGALAND
KOHIMA

3:ER. SUNGTIBA AMER
EXECUTIVE ENGINEER
(CAWD)
OFFICE OF THE COMMISSIONER
NAGALAND
KOHIMA

4:SHRI ABHIJIT SINHA
IAS

PRINCIPAL SECRETARY

PERSONNEL AND ADMINISTRATIVE REFORMS DEPARTMENT

NAGALAND
KOHIMA

Advocate for the Petitioner : MOA JAMIR, Y HUMTSOE,SHISA JAMIR,GRACE I NAMGI,K SHIJOH

Advocate for the Respondent : ,

BEFORE
HON'BLE MRS. JUSTICE YARENJUNGLA LONGKUMER

ORDER

Date : 26.11.2026

1. Heard Mr. Moa Jamir, learned counsel for the Petitioner. Also heard Ms. A. Ayemi, learned counsel appearing for the Contemnor Nos. 2 and 3.

2. By filing the present petition under Section 12 of the Contempt of Courts Act, 1971 read with Article 215 of the Constitution of India, the Petitioner has alleged willful and deliberate non-compliance of the order of this Court dated 27.02.2025 passed in WP(C)/68/2023.

3. In WP(C)/68/2023 vide judgment and order dated 27.02.2025, this Court had directed the Respondents to reconsider the case of the Petitioner and accordingly, it was directed that the Petitioner shall appear before the District Level Verification Committee as required under the scheme of regularization formulated by the State Government vide Office Memorandum dated 17.03.2015. For that, the Petitioner was directed to file a representation along with a copy of the order of the Court so that the Respondent Authorities would convey the date and time of verification. It was further directed that after appearance and after verification, if it is found that the Petitioner had completed 30 (thirty)

years as work-charged employee and provided with scale of pay, his name shall be recommended for regularization to the competent authority.

4. The Respondent Nos. 2 and 3, by filing an affidavit has contended that the Petitioner's case was examined; however, it was found that the Petitioner had retired on 09.01.2019 and the Verification Committee is not mandated to verify those work-charged/casual employees who had retired before the constitution of the Committee on 26.05.2025 vide Circular No. AR-3/GEN-67/2001(VOL-1) and Corrigendum of even number dated 08.05.2026 and 12.05.2026 and the same was circulated vide Office Memorandum No. AR-3/GEN-67/2001(Vol. 1)/103 dated 10.07.2026.

5. By the Office Memorandum dated 10.07.2026, it has been clarified by the Government that there is no policy of the State Government for regularization of service after retirement/superannuation of an employee. Similarly, the Committee is not mandated to verify those employees who have retired before the Committee was constituted, i.e., 26.05.2025. By this Office Memorandum dated 10.07.2025, all the Departments have been directed not to forward such cases where the employee had already retired/superannuated prior to constitution of the Committee.

6. In the affidavit so filed by the Respondent Nos. 2 and 3 it is further stated that vide Circular No. AR-3/GEN-67/2001(VOL-1) dated 02.11.2026, the Department of P&AR, Government of Nagaland has informed all the departments that the cases of employees who had not been cleared for physical verification were being returned to the respective departments. The Petitioner's case was, therefore, returned to the concerned

Department with the remark that his case was rejected since he had retired on 09.01.2019 and the Verification Committee is not mandated to verify those work-charged/casual employees who had retired before the constitution of the Committee on 26.05.2025.

7. This Court has examined the contentions of the Respondent Nos. 2 and 3 in the affidavit and also considered the submission of the learned counsel for the Petitioner. It is found that during the pendency of this petition, new cause of action has arisen as the Respondents have brought to the notice of this Court that the cases of employees who had retired before the constitution of the Verification Committee cannot be considered. It is also found that in terms of the judgment and order dated 27.02.2025 in WP(C)/68/2023, the Respondents had duly considered the case of the Petitioner. However, due to the Office Memorandum dated 10.07.2026, the case of the Petitioner had to be rejected as he had already retired on 19.01.2019.

8. In view of the new facts brought out and the new cause of action, which has arisen, the instant petition is closed and disposed of. However, the Petitioner is at liberty to approach this Court by filing appropriate petition, if aggrieved by the Office Memorandum dated 10.07.2026 and the Circular dated 02.11.2026.

JUDGE

Comparing Assistant