GAHC020009082026

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

Case No. : WP(C)/219/2026

SHRI B. PUSHA KHEM
S/O BUMING, R/O PATHSO NOKENG VILLAGE, NOKLAK DISTRICT

VERSUS

STATE OF NAGALAND AND 4 ORS
REPRESENTED BY THE CHIEF SECRETARY, NAGALAND KOHIMA
2:COMMISSIONER AND SECRETARY
PWD
NAGALAND KOHIMA

3:THE ENGINEER IN CHIEF
NPWD NAGALAND KOHIMA

4:THE CHIEF ENGINEER
NPWD NAGALAND KOHIMA

5:THE EXECUTIVE ENGINEER
O/O THE PWD
NOKLAK DIVISION
NAGALAN

Advocate for the Petitioner : PUKHO LAM, MUTHOI,PHILIP LORIN

Advocate for the Respondent : GOVT ADV NL,

BEFORE
HON'BLE MR. JUSTICE BUDI HABUNG

ORDER

Date : 05.11.2026

Heard Mr. Pukho Lam, learned counsel for the petitioner. Also heard Mr. K. Angami, learned Senior Government Advocate, appearing on behalf of all the respondents.

2. The present petitioner claims to have been appointed as Work-Charged Mason Helper by the Office of the Executive Engineer, Public Works Department, Tuensang(C) Division, on 15.02.1994. It is contended that he has completed 30 years of his service in the same capacity w.e.f. 15.02.1994.

3. The grievance of the petitioner is that despite issuance of the Office Memorandum No. AR-3/GEN-201/2009 dated 17.03.2015 by the Government of Nagaland, which provides for for regularization and absorption of Work-Charged and Casual Employees, his service has not been regularized till date even after completion of 30 years of continuous service.

4. By filing this petition under Article 226 of the Constitution of India; the petitioner seeks for a direction to the competent authority to regularize his service in terms of the Office Memorandum dated 17.03.2015.

5. Learned counsel for the petitioner submits that in this regard, the petitioner has filed a representation before the Chief Engineer, Public Works Department(R&B), Nagaland, Kohima, on 04.06.2026, requesting for regularization of his service in terms of the Office

Memorandum dated 17.03.2015. However, it is contended that the said representation is still pending disposal before the respondent authority.

6. At this stage, Mr. Lam, learned counsel for the petitioner, submits that a direction may be issued to the competent authority to consider the case of the petitioner for regularization of his service and dispose of the said representation dated 04.06.2026 in terms of the Office Memorandum dated 17.03.2015.

7. Mr. Angami, learned Senior Government Advocate, submits that this writ petition can be disposed of at the motion stage itself with a direction to the competent authority to consider the case of the petitioner in accordance with the Office Memorandum dated 17.03.2015. However, he prays that reasonable time frame be granted to the respondent authorities for concluding the process for disposal of the representation.

8. In view of the above submissions and as agreed upon by the learned counsels for the parties, without expressing any opinion on the petitioner's eligibility for regularization of his service, this writ petition is hereby disposed of with the following directions:

(i). The petitioner shall submit a fresh representation before the competent authority along with copies of relevant documents within 2(two) weeks from today.

(ii). On receipt of such representation from the petitioner, the competent authority shall examine the petitioner's claim for regularization of his service in the light of the Office Memorandum dated 17.03.2015 and other applicable Rules issued by the State Government from time to time.

(iii). If the petitioner is found eligible for regularization of his service in accordance with the aforesaid Office Memorandum dated 17.03.2015, the competent authority shall consider his case for regularization strictly in accordance with the Office Memorandum dated 17.03.2015 and other applicable rules.

(iv). The above exercise shall be completed by the respondent authorities within a period of 90(ninety) days from the date of receipt of fresh application along with the certified copy of this order, by passing a speaking and reasoned order.

(v). The outcome of such consideration shall be communicated to the petitioner forthwith.

9. The writ petition stands disposed of at the motion stage itself in the terms above.

Sd/-

JUDGE

Comparing Assistant