

GAHC020001012025



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

Case No. : WP(C)/35/2025

SHRI CHENGKEI AND ANR

CODE NO. MON- 0216, WORK- CHARGED KHALASI, OFFICE OF THE
EXECUTIVE ENGINEER, PHED, MON, NAGALAND. 2: SHRI YALEM. K

CODE NO. MON- 0306

WORK- CHARGED FITTER GR- 1

OFFICE OF THE EXECUTIVE ENGINEER

PHED

MON

NAGALAN

VERSUS

THE STATE OF NAGALAND AND 3 ORS

THROUGH THE CHIEF SECRETARY, TO THE GOVERNMENT OF NAGALAND,
KOHIMA.

2:THE COMMISSIONER AND SECRETARY

DEPARTMENT OF PERSONNEL AND ADMINISTRATIVE REFORMS

DEPARTMENT

NAGALAND

KOHIMA

3:THE PRINCIPAL SECRETARY

PHED

NAGALAND

KOHIMA

4:THE CHIEF ENGINEER

PHED

KOHIMA

NAGALAN

Advocate for the Petitioner : SUPONGWATI WALLING, R ATSULA KIPS

Advocate for the Respondent : GOVT ADV NL,

BEFORE
HON'BLE MRS. JUSTICE YARENJUNGLA LONGKUMER
ORDER

Date : 16-02-2026

Heard the learned counsel for the petitioners Mr. Supongwati Walling. Also heard Ms. Bichano, learned Government Advocate appearing for the State respondents.

2. The instant writ petition has been filed by two petitioners namely, Shri Chengkei and Shri Yalem K praying for regularization of their services in terms of the Office Memorandum No.AR-3/Gen-201/2009 (Pt) dated 17.03.2015 on the subject "Scheme of regularization and absorption of Work-Charged and Casual Employees and Revision of Pay/Wages."

3. The petitioner No.1 Shri Chengkei was appointed as W/C Labour under the establishment of Executive Engineer, PHED Mon division, Mon w.e.f.10.05.1987 and later on his post was upgraded to W/C Khalasi w.e.f. 14.01.2020 on scale pay by Office Order No.CE/PHE/WC/EST-1/456-460 dated 15.01.2020. After serving for 35 years he was released from service w.e.f. 31.05.2022 by Office Order No.EE/M/EST-3/WC/2006-07/986-991 dated 30.05.2022.

4. The petitioner No. 2 Shri Yalem K was appointed W/C Chowkidar in the scale of pay by Office Order dated 10.06.1980 and thereafter by another Office Order No.EE/PHE/M/WC/EI-1/PT-1/86-87/116-20 dated 31.10.1986, he was promoted to the

post of Fitter Gr -II w.e.f.21.11.1986. After serving the Department for 30 years 5 months and 9 days, the petitioner was released from service by Office Order No.CE/PHE/EST/4/74/689-96 dated 07.06.2011 on completion of 60 years of age.

5. It is the case of the petitioners that they have fulfilled the criteria provided in the scheme i.e Office Memorandum dated 17.03.2015 for regularization of service issued by the State respondents. The petitioners have also submitted representations dated 23.10.2024 and 15.10.2024 respectively to the Chief Engineer PHED Nagaland praying for regularization of services. But the same was not considered till date.

6. The learned counsel for the petitioner submits that the Office Memorandum dated 17.03.2015 notified by the Government of Nagaland states that all existing work-charged and casual employees who are enjoying scale of pay and have completed 30 years or more continuous service as on 01.01.2015 will be regularized by conversion of their post into regular ones personal to them. It is therefore clear that the petitioners have served the Department for more than 30 years. However, after their dedication and hard work, the petitioners services have not been regularized in terms of the Office Memorandum dated 17.03.2015. It is submitted that the petitioners are eligible under the said Office Memorandum and therefore, it is prayed that this Court may direct the respondents to regularize the petitioners services in terms of the Office Memorandum dated 17.03.2015.

7. The learned Government Advocate Ms. Bichano for the State respondents has fairly submitted that the case of the petitioner No.1 Shri Chengkei was forwarded along with similarly

situated cases to the Government vide letter dated 17.11.2020 and the name of the petitioner is reflected at Sl. No.38 under Mon division. It is also stated that the process of regularization of W/C employees has to go through various stages i.e Personnel and Administrative Reforms Department clearance, Finance clearance, Manpower Rationalization Committee clearance and finally Cabinet approval. Therefore, the case of the petitioner No.1 will be considered as and when his case is cleared by the above mentioned Departments and therefore, it is submitted that the case of the petitioner has already been processed and is under consideration of the State respondents.

8. As far as the petitioner No.2 is concerned, the learned Government Advocate submits that the petitioner No.2 Shri Yalem K retired from service on 07.06.2011 and only after his retirement the Office Memorandum dated 17.03.2015 was notified by the State respondents and therefore, the petitioner No.2 is not covered by the Office Memorandum dated 17.03.2015. It is therefore submitted by the learned Government Advocate that during his service he never approached the department for regularization nor did he submit any representation and his first representation was submitted only on 15.10.2024 after 13 years of his retirement. The petitioner No.2 has also not given any explanation or reasons for delay and therefore, the case of the petitioner No.2 is defeated by delay and laches and learned Government Advocate prays that the case of the petitioner No.2 may be dismissed.

9. The learned Government also relied on the order dated 24.10.2025 passed by a Co-ordinate Bench of this Court in

W.P.(C) 218/2025 wherein this Court had not entertained the petition filed by the petitioner as the petitioner in W.P.(C) 218/2025 had also retired on 31.07.2011 and he had never approached the authorities during his service nor submitted any representation for regularization. The petitioner in that writ petition had submitted his first representation to the authorities only on 16.05.2025 and had approached the Court in the year 2025. This Court had considered the facts of the case and after hearing the parties dismissed the writ petition on the ground of delay and laches as the petitioner did not approach the Court on time. The learned Government Advocate submits that the present case of the petitioner No.2 is also squarely covered by the facts of the petition in W.P.(C) 218/2025 and for the sake of propriety similar order may also be passed in respect of the petitioner No.2.

10. This Court has given due consideration to the submissions made by the learned counsel for the parties and also perused the pleadings and the order passed in W.P.(C) 218/2025.

11. As the State respondents have fairly admitted that the case of the petitioner No.1 is already under consideration by the authorities for regularization, this petition is disposed of in respect of the petitioner No.1 Shri Chengkei with a direction to the respondents to finalize the entire process of regularization of the petitioner No.1 within a period of 5 months from today.

12. In respect of the petitioner No.2, it is observed that the petitioner had already retired in 2011 and he is approaching this Court after 14 years without any explanation for the delay. However, as the respondents have not disposed his representa-

tion dated 15.10.2024, it is directed that the respondents shall dispose of the representation dated 15.10.2024, by passing a speaking order within a period of two months from today.

13. With the above directions, the writ petition stands disposed of.

**Sd/-
JUDGE**

Comparing Assistant