

GAHC020001082025



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

Case No. : WP(C)/38/2025

SHRI NUNGSHIMEREN AO,
R/O UPPER CHANDMARI COLONY,
KOHIMA, NAGALAND
PIN 797001

VERSUS

THE STATE OF NAGALAND AND 4 ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT OF
NAGALAND,
PIN 797001

2:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
NAGALAND
DEPARTMENT OF PERSONNEL AND ADMINISTRATIVE REFORMS
NAGALAND
KOHIMA 797001

3:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
NAGALAND
WORKS AND HOUSING DEPARTMENT
NAGALAND
KOHIMA 797001

4:THE ENGINEER IN CHIEF
NPWD
NAGALAND
KOHIMA

PIN 797001

5:THE ACCOUNTANT GENERAL

NAGALAND

KOHIMA 79700

Advocate for the Petitioner : C. T. JAMIR, SR. ADV, I IMCHEN, ALIBA
OZUKUM, ASA RUTSA, TOSHI, KROVI TSUKRU, NUNGSANG AIER, IMTILA
PONGEN, JAWAMONG YADEN, O TEMJEN JAMIR

Advocate for the Respondent : GOVT ADV NL,

BEFORE
HON'BLE MR. JUSTICE KAKHETO SEMA

ORDER

Date : 20.03.2025

Heard Mr. C.T. Jamir, learned Sr. counsel assisted by
Mr. I. Imchen, learned counsel for the petitioner.

The case of the petitioner in brief is that by office order dated 26.02.1991, the petitioner was appointed as Computer/Draftsman Gr.I (Civil) on contract basis for a period of one year. Thereafter, by order dated 18.11.1992, the service of the petitioner was extended up to 30.11.1992 with a rider that the contract appointment of the petitioner shall stand terminated w.e.f.01.12.1992. Thereafter by order dated 15.01.1993, the petitioner was appointed afresh to the post of S.O. Gr-I on contract basis w.e.f.11.01.1993 and thereafter, the petitioner on successfully completing the selection process held by the Nagaland Public Service Commission (NPSC) was appointed to the post of Sub-Engineer (Overseer) Gr-1 (Civil) by order dated 25.5.1993 under the Nagaland PWD on temporary basis. It is the case of the petitioner that for computing 35 years of service for the purpose of retirement from service, the petitioner service should be counted w.e.f.15.01.1993 i.e. the date of fresh appointment to the post

of S.O.Gr-I and not from the date of initial appointment i.e 26.02.1991 since there is a gap of 45 days in between the two appointments/service.

The petitioner is however aggrieved by the U.O. No.297 dated 15.06.2024 in which the P &AR Department has given a finding that the service of the petitioner shall be counted from the date of his initial appointment i.e 26.02.1991 and the letter dated 21.06.2024 by which the Government has conveyed the findings of the P & AR Department to the Engineer-in-Chief under whom the petitioner is serving. The petitioner is also aggrieved by the U.O. No.1271 dated 04.02.2025 in which the P & AR Department has again given the finding that the service of the petitioner shall be counted from the date of his initial appointment i.e. 26.12.1991 and the consequent letter dated 10.2.2025 written by the Government of Nagaland, Work & Housing Department to the Engineer-in-Chief, NPED, Nagaland Kohima conveying the findings of the P & AR Department in the U.O.No.1271 dated 04.02.2025.

Issue notice to the respondents returnable after 4(four) weeks.

Mr. Kevi Angami, learned Sr.Government Advocate accepts notice on behalf of the State respondents therefore, no formal notice need be issued. The learned counsel for the petitioner shall however serve requisite copies of the writ petition to the learned Government Advocate in the course of the day. In so far as the respondent No.5 is concerned, the petitioner shall take steps for service of notice by registered post with A/D within a period of 2 days from today.

In the interim considering the submissions made by the learned Sr. counsel for the petitioner and the materials available on record, this Court is inclined to stay the operation of U.o. No.297 dated 15.06.2024, the letter dated 21.06.2024, the U.O. No.1271 dated 04.02.2025 and the letter dated 10.02.2025 till the next returnable date.

**Sd/-
JUDGE**

Comparing Assistant