

GAHC020002222025

2026:GAU-NL:119



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

Case No. : WP(C)/69/2025

SMTI. KIHOLI SEMA
D/O LT.LITОВI, R/O DC HILL, ZUNHEBOTO, NAGALAND

VERSUS

STATE OF NAGALAND AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY, DEPT.
OF JUSTICE AND LAW, GOVT. OF NAGALAND, NAGALAND
KOHIMA

2:THE COMMISSIONER AND SECRETARY
GOVT. OFF NAGALAND
P AND AR DEPT
NAGALAND KOHIMA

3:THE ORGANISATION AND METHOD OFFICER
P AND AR DEPT
GOVT. OF NAGALAND
NAGALAND KOHIMA

4:THE ASSISTANT PUBLIC PROSECUTOR
NAGALAND ZUNHEBOT

Advocate for the Petitioner : MOA JAMIR, R MERE,GRACE I NAMGI,IMTI
CHANG,ROSEMARY KIKON,YANGROTHUNG HUMTSOE,SHISA
JAMIR,T.METSIEO,THEJANUO METHA,M SOLO,M JEMU

Advocate for the Respondent : GOVT ADV NL,

Linked Case : WP(C)/74/2025

SMTI BENDANGNARO
DAUGHTER OF LT. MEDEMIMCHEN
R/O MANGMETONG VILLAGE
MOKOKCHUNG
NAGALAND

VERSUS

STATE OF NAGALAND AND 3 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVT. OF
NAGALAND
DEPT. OF JUSTICE AND LAW
GOVT. OF NAGALAND
NAGALAND KOHIMA

2:THE COMMISSIONER AND SECRETARY
P AND AR DEPARTMENT
NAGALAND KOHIMA

3:THE ORGANIZATION AND METHOD OFFICER
P AND AR DEPARTMENT
NAGALAND KOHIMA

4:THE UNDER SECRETARY
DEPT. OF JUSTICE AND LAW
NAGALAND
NAGALAND KOHIMA

Advocate for : YALEMSEN AO
Advocate for : GOVT ADV NL appearing for STATE OF NAGALAND AND 3
ORS

Linked Case : WP(C)/104/2025

SHRI NOKZIKYU SANGTAM
SON OF KUMSINGMONG SANGTAM
RESIDENT OF TSADANG VILLAGE
TUENSANG

VERSUS

STATE OF NAGALAND AND 2 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVT. OF
NAGALAND
DEPARTMENT OF JUSTICE AND LAW
GOVT. OF NAGALAND
NAGALAND KOHIMA

2:THE COMMISSIONER AND SECRETARY
P AND AR DEPT. NAGALAND KOHIMA

3:THE ORGANISATION AND METHOD OFFICER
P AND AR DEPT
NAGALAND KOHIMA

Advocate for : MOA JAMIR
Advocate for : BICHANO KITHAN, GOVT ADV NL appearing for STATE
OF NAGALAND AND 2 ORS

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH

JUDGMENT & ORDER (ORAL)

16.03.2026

Heard Mr. Moa Jamir, learned counsel appearing on behalf of the petitioner in the batch of writ petitions. Ms. Bichano Kithan, learned Government Advocate appears on behalf of the State of Nagaland.

2. The issues involved in the present batch of writ petitions being similar, the same are taken up for disposal by this common Judgment and Order. This Court finds it very pertinent to take note of the brief facts which led to the filing of the present batch of 3 (three) writ petitions.

3. WP(C)/69/2025

The petitioner herein was appointed as a Sweeper on casual basis

under the Office of Assistant Public Prosecutor, Zunheboto, Nagaland at a fixed pay of Rs. 450/- (Rupees Four Hundred and Fifty) per month vide the Office Order No. AF/GE-1/81(2) dated 26.07.1989. Thereafter vide another Order dated 27.09.2017, the petitioner was appointed to the post of *Chowkidar*-cum-Sweeper in the Office of the APP, Zunheboto on casual basis for a period of one year w.e.f. 01.10.2017 in the scale of pay of Rs. 2550-55-2660-60-3200/- under ROP 1999. The petitioner submitted a Representation dated 06.11.2023 for consideration of her case for regularization taking into account that the petitioner had completed 34 (thirty four) years of service. Vide an Order dated 26.11.2024, the Under Secretary to the Government of Nagaland communicated to the petitioner in reference to her application for regularization of service conveying the inability to regularize the petitioner's service in terms of the observations made by the P&AR Department dated 22.10.2024. It is the case of the petitioner that the petitioner is entitled for being considered for regularization in terms with the Office Memorandum dated 17.03.2018 taking into account that the petitioner was granted the scale of pay and have rendered more than 30 (thirty) years of service as on 27.07.2019. It is further the case of the petitioner that vide an Office Memorandum dated 28.08.2024, the P&AR Department revised the procedure for regularization of Work-charged and Casual employees. Further to that, vide another Notification dated 05.03.2025, the P&AR Department to the Government of Nagaland have included contingency, fixed and wage pay employees as Casual employees under the Nagaland Work-charged and Casual Employees Regularization, 2001. It is therefore, the case of the petitioner that the petitioner should have been considered for being

regularized as she has rendered more than 35 (thirty five) years of service as on date of filing the writ petition.

4. WP(C)/74/2025

The case of the petitioner herein is that the petitioner was appointed on contingency basis as a Typist vide Office Order No. LAW-115/81(3) dated 13.08.1991 under the Office of the Assistant Public Prosecutor, Mokokchung, Nagaland on monthly wage of Rs. 540/- (Rupees Five Hundred and Forty) for a period of 3 (three) months from the date of her joining. Subsequent thereto, on 27.09.2017 the petitioner was appointed to the post of Typist under the establishment of the P.P., Mokokchung on casual basis for a period of one year w.e.f. 01.10.2017 with the scale of pay of Rs. 3050-75-3950-80-4590/- under ROP 1999. It is the case of the petitioner that the petitioner had submitted a Representation on 08.02.2024 for regularization of her service. The same having not been considered the petitioner has approached this Court by filing the instant writ petition.

5. WP(C)/104/2025

The case of the petitioner herein is that the petitioner was appointed vide an Office Order No. ADC(J)TSG/*ST-2/93-34 dated 01.10.1993 as a *Chowkidar* on contingency basis under the establishment of the Additional Deputy Commissioner (Judicial), Tuensang, Nagaland at a fixed pay of Rs. 450/- (Rupees Four Hundred and Fifty) per month. Subsequent thereto, vide an Office Order dated 10.11.2022 the services of various

employees of the Law & Justice Department including the petitioner was extended up to 30.04.2023. The petitioner further states that his service was further extended till 30.04.2024. The petitioner having completed 30 (Thirty) years of service on 30.09.2023 and enjoying the scale of pay claimed that the petitioner is entitled for regularization. The petitioner had not submitted any representation, however, he was expecting that his service would be regularized in terms of the Office Memorandum dated 17.03.2015 taking into account that the petitioner had completed 30 (Thirty) years of service and was also granted the scale of pay. It is under such circumstances that the petitioner has approached this Court by filing the present writ petition.

6. A perusal of the records of the present writ petition shows that this Court had issued notice almost 8 (eight) months' back in all the 4 (four) writ petitions. The respondents have not filed any affidavit-in-opposition. It is brought to the attention of this Court that the issue involved in the present writ petitions is covered by the Order passed by this Court in WP(C)/316/2023 dated 04.04.2025. This Court also finds it very pertinent to take note of that in terms with the Office Memorandum (OM) dated 17.03.2015, all existing Work-charged and Casual Employees of various Departments who were enjoying scale of pay and who have completed 30 (Thirty) years of service or more continuous service as on 01.01.2015 would be regularized by conversion of their post into regular post personal to them and subject to fulfillment of conditions as indicated in the said Memorandum. It is also pertinent to take note of that in terms with Clause 1(ii) of the OM dated 17.03.2015, those Work-charged and Casual Employees enjoying scale of pay and who have completed 30 (Thirty)

years of continuous service after 01.01.2015 their cases for regularization would be taken up subsequently in two batches, i.e. on 1st July and 1st January every year. It is very relevant to take note of that the OM dated 17.03.2015 only related to regularization and absorption of Casual and Work-charged Employees and revision of pay/wages. However, subsequently vide Notification dated 05.03.2025, all contingency, fixed and wage pay employees appointed on or before 06.06.2016 were deemed to be casual employees and hence, would come within the ambit of the OM dated 17.03.2015. For the purpose of the present adjudication, Notification dated 05.03.2025 is reproduced herein under:-

*“GOVERNMENT OF NAGALAND
PERSONNEL AND ADMINISTRATIVE REFORMS DEPARTMENT
(ADMINISTRATIVE REFORMS BRANCH)
NAGALAND: KOHIMA*

No.AR/LEGAL-5/8/2024

Dated: Kohima, the 5th March, 2025.

NOTIFICATION

Sub: Inclusion of Contingency, Fixed and Wage paid employees as Casual Employees under the Nagaland Work-charged and Casual Employees Regulation Act, 2001.

In exercise of powers conferred by sub-section 4 (b) & (c) of Chapter III of the Nagaland Work-charged and Casual employees Regulation Act, 2001, the State Government of Nagaland hereby notifies that all Contingency, Fixed and Wage paid employees appointed on or before the 6 June, 2016 shall be deemed to be Casual employees and shall henceforth come under the Work

Charged and Casual Employees Commission and shall be eligible for the Schemes and provisions so notified under the provisions of the Act.

A verification of such employees will be conducted on the direction of the Work Charged and Casual Employees Commission.

The employees so verified shall be eligible for regularisation under clause 1 (1) and (iii) of the Scheme for regularisation and absorption of Work-charged and Casual Employees and Revision of Wages notified vide OM No.AR-3/GEN-201/2009 dated 17th March, 2015.

This is issued with approval of the Cabinet vide No. CAB-1/14/2023 dated 25 February, 2025.

*Sd/-Dr. J. ALAM, IAS
Chief Secretary to the Govt. of Nagaland.
Dated: Kohima, the 5th March, 2025."*

7. It is also very relevant to take note of another OM dated 05.03.2025 whereby Work-charged and Casual Employees in all Departments whose name has been duly verified by the District Level Committee and registered in the PIMS, receiving fixed pay would be granted the scale of pay as per the Revision of Pay, 2015 w.e.f. 01.04.2025. The said OM being relevant is reproduced herein under:-

**GOVERNMENT OF NAGALAND
PERSONNEL AND ADMINISTRATIVE REFORMS DEPARTMENT
(ADMINISTRATIVE REFORMS BRANCH)
NAGALAND:KOHIMA**

No. AR-3/GEN-67/2001

Dated Kohima, the 5th March 2025

OFFICE MEMORANDUM

Sub: Conversion of wages of Work-Charged & Casual Employees to scale pay as per Revision of Pay (ROP) 2015.

On the recommendation of the Nagaland Work-Charged and Casual Employees commission and in pursuance of the Cabinet's decision conveyed vide letter No. CAB-1/14/2023 dated 25th February 2025, all Work-Charged and Casual employees in all the Departments, whose names have been duly verified by the District Level Verification Committee and registered in PIMS, receiving fixed pay shall be granted scale of pay as per the Revision of Pay, 2015 with effect from 01.04.2025.

Therefore, all Departments having Work-Charged and Casual employees are directed to expedite the conversion accordingly.

*Sd/-Dr J. Alam, IAS
Chief Secretary to the Govt. of Nagaland
Dated Kohima, the 5th March 2025"*

8. In view of the Notification as well as OM dated 05.03.2025 as reproduced herein above, it is the opinion of this Court that as the petitioners herein have already completed more than 30 (Thirty) years of service their cases have to be considered as to whether they are entitled for regularization in terms with the OM dated 17.03.2015 read with Notification as well as OM dated 05.03.2025. Accordingly, the present batch of writ petitions stands disposed of with the following observations and direction:-

(i) The respondent authorities and more particularly the respondent Nos. 1 and 2 are directed to take effective steps and consider the cases of the petitioners in terms with the OM dated 17.03.2015 read with the Notification and OM dated 05.03.2025; and

(ii) The above said exercise be carried out within a period of 4 (four) months from the date a certified copy of the present Judgment is served upon the respondent No. 2, i.e. the Commissioner & Secretary to the Government of Nagaland, P&AR Department, Nagaland.

9. There shall be no order of cost.

JUDGE

Comparing Assistant