

GAHC020003992023



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

**Case No. : WP(C)/160/2023**

SHRI. LIJANGSING  
W/C KHALASI, EXECUTIVE ENGINEER PHED, TUENSANG DIVISION,  
TUENSANG, NAGALAND

VERSUS

THE STATE OF NAGALAND AND 4 ORS  
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVT. OF  
NAGALAND

2:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF  
NAGALAND  
P AND AR DEPARTMENT  
NAGALAND KOHIMA

3:THE COMMISSIONER AND SECRETARY TO THE GOVT OF  
NAGALAND  
DEPARTMENT OF PHED  
NAGALAND  
KOHIMA.

4:THE CHIEF ENGINEER  
PHED  
NAGALAND KOHIMA

5:THE EXECUTIVE ENGINEER  
PHED  
TUENSANG DIVISION  
NAGALAN

**Advocate for the Petitioner** : TONGPOK PONGENER

**Advocate for the Respondent** : GOVT ADV NL

**BEFORE  
HON'BLE MR. JUSTICE KAKHETO SEMA**

**ORDER**

**Date : 21.08.2023**

Heard Ms. T. Atalu Chizo, learned counsel for the petitioner.

The case of the petitioner in brief is that he was first appointed on work charged basis in fixed pay of Rs. 375/- pm under the Public Health Engineering Department (PHED) vide order dated 31/7/1992 and subsequently upgraded to W/C/ Khalasi and granted the scale of pay by order dated 10/2/2022 and posted in the establishment of Executive Engineer, PHED Tuensang Division, Tuensang. It is the case of the petitioner that since he has completed 30 years of service on 31/7/2022 and was eligible for regularization in terms of the Office Memorandum dated 17/3/2015 issued by the Government, the petitioner submitted a representation dated 8/4/2022 to the Chief Engineer, PHED Nagaland Kohima for regularization of his service. However, since there was no action on the part of the Government, the petitioner filed W.P. (C)159/2022 which was disposed of by this Court by order dated 5/8/2022 directing the State respondents to consider the representation submitted by the petitioner within a period of 2(two) months from the date of the order. Consequent to the order passed by this Court, the Chief Engineer, PHED, Sanitation & WSSO Nagaland Kohima issued the letter dated

13/9/2022 informing the petitioner that the case of the petitioner along with other 80 similarly situated work charged employees have been forwarded to the Government for absorption and regularization of service. By the said letter, the petitioner was intimated that he is in 14<sup>th</sup> batch and his name is reflected in Sl.No.2 under Tuensang Division. However, despite the letter dated 13/9/2022, the service of the petitioner was not regularized and the petitioner retired from service w.e.f. 31/10/2022. By filing this petition, the petitioner is seeking for a direction to the State respondents to regularize his service in terms of the letter dated 13/9/2022 issued by the Chief Engineer, PHED, Sanitation & WSSO Nagaland Kohima which was issued in compliance to the order dated 5/8/2022 passed by this Court in W.P.(C) 159/2022.

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

Since the State respondents is represented by Ms, Livika, learned Government Advocate, no formal notice need be issued. The learned counsel for the petitioners shall however serve requisite copies of the writ petition to the learned State counsel within a period of 3 days from today.

List the matter after **4(four)** weeks.

**Sd/-  
JUDGE**

**Comparing Assistant**