

GAHC020004342025

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

Case No. : WP(C)/130/2025

SMTI. TIAMONGLA
D/O LT. TOSHIMEREN, R/O OCK APARTMENT, NEAR URA VILLAGE
GATE, DIMAPUR NAGAAND.

VERSUS

STATE OF NAGALAND AND 3 ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVT. OF
NAGALAND, NAGALAND KOHIMA

2:THE COMMISSIONER AND SECRETARY
DEPT. OF MUNICIPAL AFFAIRS
NAGALAND KOHIMA

3:THE DIRECTOR
DEPT. OF MUNICIPAL AFFAIRS
NAGALAND KOHIMA

4:THE ADMINISTRATIVE AND EXECUTIVE OFFICER
CHUMOUKEDIMA TOWN COUNCIL.
CHUMOUKEDIMA NAGALAN

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH

For the Petitioner(s) : Mr. Toshi O. Longkumer, Advocate

For the Respondent(s) : Mr. V. Zhimomi, Government Advocate

- Date on which Judgment was reserved : N/A
- Date of Pronouncement of Judgment : **29.05.2026**
- Whether the pronouncement is of the Operative Part of the Judgment : No
- Whether the full Judgment has been Pronounced : Yes

JUDGMENT AND ORDER (ORAL)

Heard Mr. Toshi O. Longkumer, the learned counsel appearing on behalf of the Petitioner and Mr. V. Zhimomi, the learned Government Advocate appearing on behalf of all the Respondents.

2. The Petitioner herein is aggrieved by her termination vide the order dated 19.10.2022 issued by the Respondent No.4. The Petitioner had also submitted representations. However, the said representations were not considered and it is under such circumstances, the present writ petition has been filed.

3. The materials on record show that on 25.08.2022, the Principal Secretary to the Government of Nagaland, Municipal Affairs Department had written a communication to the Respondent No.4 thereby granting the administrative approval for appointment of various candidates including the Petitioner

as the Assistant Inspector. In the said administrative approval, it was categorically mentioned that the appointment was temporary and liable for termination.

4. Subsequent to the administrative approval so granted, the Respondent No.4 issued an order dated 26.08.2022 thereby appointing the Petitioner to the post of Assistant Inspector in the establishment of Chumoukedima Town Council on scale basis. It was mentioned that the appointment of the Petitioner was purely on temporary basis which can be terminated with one month notice. For the purpose of the present dispute, this Court finds the contents of the order dated 26.08.2022 to be relevant, and accordingly, the same are reproduced hereinbelow:

*“GOVERNMENT OF NAGALAND
OFFICE OF THE CHUMOUKEDIMA TOWN COUNCIL
CHUMOUKEDIMA : NAGALAND*

CTC/ESTT-APPOINT/61/2022-23/377 Dated Chumoukedima the 26th August, 2022

ORDER

With reference to the Administrative approval vide No.MA-17/2018 Dated Kohima, 25th August, 2022, Smti. Tiamongla, D/o Shri. L. Toshi, resident of Asangma Village under Mokokchung District is hereby appointed to the post of Assistant Inspector, in the establishment of Chumoukedima Town Council on a scale basis.

The Appointment of Smti. Tiamongla is purely on a temporary basis which can be terminated with one month notice.

*(Dr. KUZONYI WIDEO)
ADC and Administrator
Chumoukedima Town Council
Chumoukedima : Nagaland"*

5. The Petitioner thereupon joined on 02.09.2022. Subsequent thereto, on 18.10.2022, the Joint Secretary to the Government of Nagaland issued a communication to the Respondent No.4. This communication dated 18.10.2022 was in reference to the administrative approval which was granted on 25.08.2022 thereby informing that the administrative approval stood cancelled. In consequence to the said communication dated 18.10.2022, the Respondent No.4 issued a communication to the Petitioner on 19.10.2022 intimating the Petitioner that on account of the administrative approval having been cancelled, the appointment of the Petitioner was also cancelled. The contents of the communication dated 19.10.2022 being relevant are reproduced herein under:

*"GOVERNMENT OF NAGALAND
OFFICE OF THE CHUMOUKEDIMA TOWN COUNCIL
CHUMOUKEDIMA : NAGALAND*

CTC/ESTT-Appoint/61/2022-23/386 Dated Chumoukedima the 19th October, 2022

To

Smti. Tiamongla

Sub: APPOINTMENT CANCELLATION ORDER

*With reference to the Municipal Affairs Department Letter No.M.A-17/2018 (Pt.-I) Dated Kohima the 18th October, 2022, conveying the Cancellation of Administrative Approval Letter No.MA-17/2018, Dated Kohima, 25th August, 2022 for appointment to various post under the establishment of Chumoukedima Town Council. The Appointment Order No.CTC/Estt-Appoint/61/2022-23/377 dated 26th August, 2022, is **CANCELLED**.*

This is for your kind information.

*(Dr. KUZONYI WIDEO)
ADC and Administrator
Chumoukedima Town Council
Chumoukedima : Nagaland"*

6. The Petitioner thereupon submitted an application on 10.12.2022 for retention before the Advisor, Urban Development and Municipal Affairs, Nagaland. This communication thereupon was forwarded to the Respondent No.4. The Respondent No.4 vide a communication dated 28.06.2023 informed the Additional Director & HoD, Directorate of Municipal Affairs that there are already two Sanitation Inspectors and MRC Inspector as well as two Assistant Sanitation Inspector and Assistant MRC Inspector appointed under the Chumoukedima Town Council. It was

also mentioned that there was limited resources and as such, the office was not in a position even to manage the basic minimum salary of the existing staff. It was also mentioned that in the Chumoukedima Town Council, there was over employment. The Additional Director & HoD, Directorate of Municipal Affairs informed the Commissioner and Secretary, Urban Development & Municipal Affairs about the reasons why the Petitioner could not be retained. The Petitioner thereupon submitted representations on 29.10.2024 to the Director, Department of Municipal Affairs as well as the Commissioner and Secretary, Department of Municipal Affairs, Kohima for re-instatement as Assistant Inspector in the establishment of Chumoukedima Town Council. However, the representations having not been taken into consideration, the Petitioner had approached this Court by filing the present writ petition on 24.07.2025.

7. The records further reveal that since 28.07.2025, the writ petition has been listed on various occasions but no notice till date has been issued. The Respondents also have taken various opportunities to file their affidavits but no affidavit has been filed.

8. This Court has heard the learned counsels appearing on behalf of the parties.

9. Upon hearing the learned counsels for the parties, the question therefore arises as to whether this Court should interfere with the cancellation of the appointment order of the Petitioner in exercise of the powers of judicial review.

10. The materials on record clearly show that the Petitioner initially was appointed as an Assistant Inspector pursuant to an administrative approval. Both in the administrative approval dated 25.08.2022 as well as the appointment order of the Petitioner dated 26.08.2022, it is categorically mentioned that the Petitioner's appointment was temporary. Further to that, it was also mentioned in the order dated 26.08.2022 that the Petitioner's appointment can be cancelled by giving one month notice.

11. Pursuant to the appointment order dated 26.08.2022, the Petitioner joined on 02.09.2022. The records further reveal that on 18.10.2022, the administrative approval on the basis of which the Petitioner was appointed was cancelled and the resultant effect was on 19.10.2022, the Petitioner's

appointment was terminated.

12. This Court has also taken note of the reasons assigned as to why the appointment was cancelled inasmuch as, it is the stand of the Respondent No.4 in the communication dated 28.06.2023 that the Chumoukedima Town Council did not have the resources to keep the Petitioner under employment.

13. This Court has given an anxious consideration to the submissions made on behalf of the respective counsels.

14. The appointment order made it apparently clear that the termination was permissible subject to one month's notice. It is therefore the opinion of this Court that while terminating the Petitioner, either one month's notice ought to have been granted to the Petitioner or one month salary ought to have been paid to the Petitioner. Taking into account that the Chumoukedima Town Council does not have resources as have been mentioned in the communication dated 28.06.2023, the administrative approval have been cancelled and there is no stigma attached to the termination order, it is the opinion of this Court that the question of interfering with the order on the ground of non-issuance of notice would not

be in the interest of justice.

15. Accordingly, the writ petition stands disposed of with the following observations and directions:

- (i) This Court is not inclined to interfere with the communication dated 18.10.2022 issued by the Joint Secretary to the Government of Nagaland to the Administrator, Chumoukedima Town Council (Annexure-D to the writ petition).
- (ii) This Court is not inclined to interfere with the cancellation order dated 19.10.2022 issued by the Respondent No.4 to the Petitioner insofar as the termination of the appointment is concerned. However, this Court observes and directs that the Petitioner herein would be entitled to one month salary which was the requirement as per the appointment order dated 26.08.2022.
- (iii) This Court directs the Respondents herein jointly and severally and more particularly the Respondent No.4 to disburse 1 (one) month's salary to the Petitioner at the scale at which she was to be paid upon her appointment

within a period of 45 days from the date a certified copy of the instant judgment is served upon the Respondent No.4.

(iv) No costs.

JUDGE

Comparing Assistant