

GAHC020005382025



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

Case No. : WP(C)/164/2025

SHRI TEMSUSHILU JAMIR
DRIVER GRADE II, NPWD, NAGALAND, KOHIMA

VERSUS

STATE OF NAGALAND AND 4 ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVT. OF NAGALAND,
NAGALAND KOHIMA 2:THE COMMISSIONER AND SECRETARY
GOVT. OF NAGALAND
WORKS AND HOUSING DEPT.
NAGALAND KOHIMA

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

4:THE ENGINEER-IN-CHIEF
NPWD
NAGALAND KOHIMA

5:THE CHIEF ENGINEER
PWD (R AND B) NAGALAND KOHIM

Advocate for the Petitioner : MOA JAMIR,

Advocate for the Respondent : GOVT ADV NL,

**BEFORE
HON'BLE MR. JUSTICE KALYAN RAI SURANA**

ORDER

05.05.2026

Heard Mr. M. Jamir, learned counsel for the petitioner. Also heard Ms. A. Ayemi, learned Government Advocate for the State respondents.

2. In brief, the case of the petitioner is that he applied for a post of Driver and in a result declared on 25.05.2023, 9 (nine) candidates are declared successful and consequently upon recommendation made by the Departmental Recruitment Board, by an Officer order dated 06.06.2023, the petitioner was appointed to the post of Driver Grade-II under the Nagaland Public Works Department (NPWD).

3. It is projected that though his appointment was confirmed, the respondent authorities had not generated his PIMS (Personnel Information Management System) code in terms of Office Memorandum dated 04.03.2022 and accordingly, his salary and other emoluments have been withheld. Aggrieved by the same, the present writ petition has filed under Article 226 of the Constitution of India.

4. In the case, the respondent nos. 1 to 5 have filed their affidavit-in-opposition through one Selichum Thongtsar, Additional Secretary, Department of Works and Housing, Government of Nagaland. It has been stated therein that by letter dated 08.09.2025, the Additional Secretary to the Government of Nagaland had directed the Engineer-in-Chief, Nagaland Public Works

Department (NPWD), to keep the appointment of the petitioner to the post of Driver Grade-II in abeyance.

5. It is further stated that although the department, vide letter dated 01.06.2023, had sought clearance for the additional vacant post of Driver, the appointment order dated 06.06.2023 in respect of the petitioner was issued by the NPWD without such clearance, against the vacancy caused by the retirement of one Shri Chumbemo Lotha, and without observing due process of law. It is further stated that the Department accepts responsibility for the oversight.

6. In view of the above, it is sought to be projected before the Court that the petitioner's appointment is illegal. If that be so, the department ought to have either initiated departmental proceedings against all the erring officers involved in issuing the appointment order without due approval/confirmation from the Government, or taken any other appropriate action. However, having acquiesced in the appointment and not having taken any adverse steps, it can be inferred that all the respondent authorities have accepted the petitioner's appointment to the post of Driver Grade-II. If that be so, it was incumbent upon the State respondents to issue the PIMS code in favour of the petitioner.

7. Accordingly, this Court is inclined to direct the Chief Secretary to the Government of Nagaland, who is already impleaded as respondent No. 1, to show cause to explain why, even after it was discovered by the department that the petitioner's appointment was made without due approval/confirmation, no departmental action has been initiated against the erring officers who, in connivance of

each other, had issued the appointment order dated 06.06.2023, in violation of the applicable departmental norms and the Office Memorandum in force. Alternatively, if no such departmental action is to be initiated, the respondent shall also show cause as to why the State should not be directed to issue a PIMS code in favour of the petitioner. Accordingly, the Chief Secretary to the Government of Nagaland is directed to file an affidavit in show-cause in terms of this order.

8. The learned Government Advocate shall transmit a downloaded copy of this order to the Chief Secretary of the Government of Nagaland, requiring him to file his affidavit within a period of four weeks from the date of this order.

9. The affidavit shall be filed on or before the next date of listing, preferably two days prior to the next date of listing.

10. List the matter again on 08.06.2026.

JUDGE

Comparing Assistant