

GAHC020006012025

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

Case No. : WP(C)/187/2025

SHRI AHOSHE
WORK CHARGED FITTER HELPER, CODE NO. KIP-0465, OFFICE OF
THE EXECUTIVE ENGINEER, PHED, TUENSANG DIVISION,
TUENSANG, NAGALAND.

VERSUS

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

2:THE COMMISSIONER AND SECRETARY
TO THE GOVT. OF NAGALAND
DEPT. OF PERSONNEL AND ADMINISTRATIVE REFORMS.
NAGALAND KOHIMA

3:THE SECRETARY
TO THE GOVT. OF NAGALAND
PHED
NAGALAND KOHIMA

4:THE CHIEF ENGINEER
PHED
NAGALAND KOHIM

BEFORE

HON'BLE MR. JUSTICE DEVASHIS BARUAH

For the Petitioner(s) : Ms. R. Atsula Kips, Advocate

For the Respondent(s) : Ms. S. Chang, 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 Ms. R. Atsula Kips, the learned counsel appearing on behalf of the Petitioner and Ms. S. Chang, the learned Government Advocate appearing on behalf of the Respondents.

2. The Petitioner herein is aggrieved by the non-consideration of his case for regularization in terms with the Office Memorandum dated 17.03.2015 and it is under such circumstances, the writ petition has been filed.

3. It is the case of the Petitioner that the Petitioner was appointed on 28.07.1994 as a Work-Charged Fitter Helper under the Office of the Executive Engineer (PHED) Tuensang Division, Tuensang, Nagaland in the scale of pay w.e.f. 01.08.1994.

4. In the month of August, 2024, the Petitioner was eligible

for regularization in terms with the Office Memorandum dated 17.03.2015 and therefore submitted a representation on 11.08.2025 to the Chief Engineer, PHED Kohima, Nagaland for regularization of his service. However, there was no response to the representation and it is under such circumstances, the Petitioner has approached this Court by filing the present writ petition on 15.09.2025.

5. The records reveal that this Court vide an order dated 16.09.2025 issued notice. In pursuance to that, no affidavit has been filed by the Respondents but today, Ms. S. Chang, the learned Government Advocate appearing on behalf of the Respondents has placed before this Court a set of instructions dated 26.05.2026 issued by the Chief Engineer & HOD, PHED, Nagaland which are collectively kept on record and marked with the letter "X".

6. This Court finds it relevant to take note of the comments and status of the Petitioner as have been mentioned in the said instructions which have been kept on record and marked with the letter "X". The comments and status qua the Petitioner being relevant are reproduced herein under:

“Comments and present status:-

1. *That as per Office Memorandum Dated 17.03.2015, 1(ii), in respect of those work-charged and casual employees in scale pay and who have completed or will complete 30 (Thirty) years of continuous service after 01.01.2015, their cases for regularization will be taken up subsequently in two batches as on 1st July and 1st of Jan every year. Accordingly the cases of the employees are compiled and submitted in batches.*
2. *That the petitioner completed 30 years on 01.08.2024, thereafter as per the laid down guidelines, petitioner case along with all similar situated cases were verified by the District level verification Board and thereafter the concern engineer submitted to the Directorate.*
3. *That the case of the petitioner along with similar situated cases have been forwarded by the Executive Engineer vide letter dated 04.03.2025, where the name of the petitioner is in serial No.1 under Kiphire Division. (Copy enclosed).*
4. *That at present the Directorate is compiling all similar situated cases from all District including the petitioner's case to be forwarded to the Government.*
5. *That the petitioner is covered by the Office Memorandum dated 17.03.2015, however, the process of regularization of Work-charged Employee's service undergoes the following stages as stated in the Office Memorandum, Dated 17.03.2015 as under:-*
 - a) *Personnel and Administrative Reforms Department Clearance.*

b) *Finance Clearance.*

c) *MRC (Manpower Rationalization Committee) Clearance.*

d) *Cabinet approval.*

That only after the clearance from the above mentioned Departments, the service of the W/C employee can be considered."

7. From the above, it is seen that the Petitioner's case is under active consideration but on account of there being certain approvals required from various Departments of the Government of Nagaland, the Petitioner's regularization have not yet been given effect to.

8. It is the opinion of this Court that the Petitioner is entitled to regularization in terms with Clause 1(ii) of the Office Memorandum dated 17.03.2015 w.e.f. 01.08.2024. This Court understands that there would be some delay on account of the approvals being required from the various Departments.

9. Under such circumstances, this Court disposes of the instant writ petition with the following observations and

directions:

- (i) The Petitioner is entitled for regularization in terms with Clause 1(ii) of the Office Memorandum dated 17.03.2015 w.e.f. 01.08.2024.
- (ii) The Respondent Authorities are directed to take active steps for regularization of the Petitioner in terms with the Office Memorandum dated 17.03.2015.
- (iii) The Regularization of the Petitioner shall be w.e.f. the date the Petitioner was entitled for regularization i.e. on 01.08.2024.
- (iv) This Court further observes that the said steps be taken as expeditiously as possible and preferably within 6 (six) months.
- (v) A copy of the present judgment be furnished to the Chief Engineer & HOD, PHED Nagaland for due compliance.