

GAHC020006302022



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

Case No. : WP(C)/238/2022

SHRI. YIMYUMETSU
PEON(RETIRED)

VERSUS

THE STATE OF NAGALAND AND 4 ORS
THROUGH THE CHIEF SECRETARY TO THE GOVERNMENT OF NAGALAND,

2:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
NAGALAND

PERSONNEL AND ADMINISTRATIVE REFORMS DEPARTMENT

3:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
NAGALAND

PRINTING AND STATIONERY

4:THE DIRECTOR

DIRECTORATE OF PRINTING AND STATIONERY

5:THE ASSISTANT DIRECTOR

PRINTING AND STATIONERY



Advocate for the Petitioner : SUPONGWATI WALLING

Advocate for the Respondent : GOVT ADV NL

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

ORDER

01.07.2024

Heard Mr. Supongwati Walling, learned counsel for the petitioner and Mr. N. Angami, learned Senior Government Advocate for the State respondents.

2. The present petition has been filed by the petitioner seeking for a direction to regularize the service of the petitioner in the post of Peon which has been sanctioned *vide* Office Order No. PSTY-26/79(PT) dated 09.06.1988 in the light of the decision passed by the Hon'ble Supreme Court in ***Uma Devi vs. State of Karnataka***, reported in ***2006 (4) SCC 42***, more particularly in paragraph 53 of the said judgment. The case of the petitioner in brief is that he was appointed as contingency Peon on a fixed pay of Rs. 375/- per month by the Director, Directorate of Printing & Stationery, Nagaland, Kohima, by Office Order dated 26.10.1988, against the post sanctioned *vide* Order No. PSTY-26/79(PT) dated 09.06.1988. Thereafter, by the Office Order dated 03.10.2018, issued by the Director, Printing & Stationery, Nagaland, Kohima, the

petitioner was granted minimum scale of pay in the pay band of Rs. 4,400-17,200/- with Grade pay of Rs. 1,300/- and all other allowances as are admissible under Rules from time to time in the State of Nagaland w.e.f. 30.09.2018.

3. The petitioner retired from service in the month of March, 2022 on attaining 60 (sixty) years of age. The petitioner, thereafter on 16.09.2022, submitted the representation dated 16.09.2022 to the Director, Directorate of Printing & Stationery, Nagaland, Kohima, for regularization of his service so as to enable the petitioner to receive pension and other retiral benefits. Thereafter, again on 26.09.2019, the petitioner submitted another representation to the Director, Printing & Stationery, Nagaland, Kohima, to regularize the service of the petitioner in the light of the OM dated 17.03.2015, issued by the Government of Nagaland, Personnel & Administrative Reforms Department (Administrative Reforms Branch), which provides the Scheme for Regularization and Absorption of Work-charged and Casual Employees and Revision of Pay/Wages. However, inspite of submitting the 2 (two) representations there was no positive response from the Department for regularizing the service of the petitioner, and due to which, the present petition has been filed.

4. Today, when the matter is listed, Mr. N. Angami, learned Senior Government Advocate has placed a copy of the Letter dated 09.04.2024, written by the Office of the Deputy Commissioner, Mokokchung, Nagaland, to the Assistant Director, Branch Press, Mokokchung, in which the Verification Report of the petitioner has been enclosed as Annexure-A.

Referring to Annexure-A the learned Senior Government Advocate has submitted that the name of the petitioner has been entered as Serial No. 5 (five) for regularization of service by the District Level Verification Committee. Mr. N. Angami also submits that by the Letter dated 09.04.2024, written by the Office of the Assistant Director, Branch Press, Mokokchung, the Verification Report in respect of the petitioner has been forwarded to the Director, Printing & Stationery, Nagaland, Kohima, and the Directorate of Printing & Stationery, Nagaland, Kohima, in turn, by the Letter dated 15.04.2024 has forwarded the requisite details of the petitioner to the Home Commissioner, Nagaland, Kohima. Mr. N. Angami further submits that the Office of the Home Commissioner has submitted the details of the petitioner for consideration of regularization in service to the P&AR Department for approval. Mr. N. Angami accordingly submits that the case of the petitioner for consideration of regularization in service has already been placed before the Government for necessary action.

5. In view of the Letters placed by the learned Senior Government Advocate before this Court, which is in connection with the regularization of the service of the petitioner in the Directorate of Printing & Stationery, Mr. Supongwati Walling, learned counsel for the petitioner submits that he may be allowed to withdraw the writ petition as the Government has already initiated steps/process to consider the regularization in service of the petitioner. Mr. Supongwati Walling, however, submits that a time-frame may be allotted to the State

respondents to complete the process for considering the case of the petitioner for regularization in service.

6. In view of the Letters placed before this Court, namely, the Letter dated 09.04.2024 alongwith Annexure-A and the Letter dated 15.04.2024 and other connected papers, all of which relates to the details of the petitioner service, and considering the submissions made by the learned counsel for the parties, the writ petition is disposed with a direction to the State respondents to consider the case of the petitioner for regularization in service in terms of the Letters placed before this Court by the learned Government Advocate and in the light of the OM dated 17.03.2015, issued by the Government of Nagaland, P&AR Department (Administrative Reforms Branch), which provides for Regularization and Absorption of Work-charged and Casual Employees and Revision of Pay/Wages etc. and strictly in accordance with law, **within a period of 12 (twelve) weeks from the date of passing of this Order.** Any order passed by the respondent authorities consequent to the direction issued by this Court shall be forthwith communicated to the petitioner.

7. Writ petition stands disposed.

Sd/-
JUDGE

Comparing Assistant