

NAGALAND STATE HUMAN RIGHTS COMMISSION

CASE NO. 03/2024

Name of the complainant: Mr. Merithung B. Jungio

Respondents : 1. The Chief Secretary, Nagaland  
2. The Commissioner & Secretary, P&AR  
3. The Commissioner & Secretary, PWD  
4. The Chief Engineer PWD (R&B)  
5. The Executive Engineer PWD (R&B), Phek Division

Record of the steps taken  
(to be entered by the office)

Orders/Proceedings of the Commission

Date

Step (s) taken

Dated: 2<sup>nd</sup> February, 2024

03.02.24

*Order disposed  
as directed*

**ORDER**

Perused the Complaint and all its annexures.

This is a complaint submitted by the sister of a government servant appointed and serving as Sectional Assistant in the office of Executive Engineer, PWD (Roads & Bridges), Phek Division, Government of Nagaland vide order No. E-IN-C/ESTT-3/OMPASSIONATE/2022: dated 24<sup>th</sup> May, 2023 issued by Engineer-In-Chief, NPWD, Nagaland, stating that her brother (the Govt Servant) is yet to receive his first pay even after 8 months of his appointment and joining of his office.

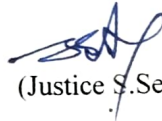
It appears from the complaint and the documents that the government servant namely Shri. Merithung B Jungio, son of (L) Binyimthung Jungio was appointed to the post of Sectional Assistant vide order mentioned above, under the compassionate scheme of the State Government following the death of his father on 03.10.2018 while in harness and, after the Hon'ble Guwhati High Court directed to do so in the Order dated 22.07.2021 passed in WP(C) 97/2021 and in the Order dated 12.12.2022 passed in COP (C) 32/2021. It also appears that soon after his appointment order was issued, the government servant joined his office on 29.05.2023. From the facts and circumstances, it is quite evident that the Govt. Servant has waited for 5 Years and 3 Months (including the period of 8 Months since the date of his appointment) to get the benefit under the Scheme. The main purpose of the Scheme is to help family members of government servants who happen to die while in harness so that they don't suffer from penury due to the untimely demise of their bread earner. But in the case of the govt. servant we are concerned with, it appears that the very purpose of the Scheme has been undermined since the actual benefits of the same is yet to be given even after the laps of such a long period of time. It is basic human right of every individual to live life with dignity. Therefore, denial of entitled monthly salary of the government servant for the last 8 months, that too appointed after waiting for 5 long years under such special scheme would amount to violation of not only his basic human right but that of his dependents unless there was any valid and legal reason or reasons to do so.

Let a case be registered and notice be issued to all the respondents returnable within 15 days from the date of receipt of the same. On receipt of the notice the respondents shall examine and consider the matter and release the monthly salary of the petitioner's brother (the government

servant) whose particulars have been mentioned in the preceding paragraphs within 15 days if there is no valid and legal reason for not to do so and file compliance report on or before the next date of hearing.

The Commissioner & Secretary, PWD Nagaland and the Chief Engineer (R&B), NPWD while submitting their response shall clearly indicate where and why the matter is pending so that responsibility can be fix on the person responsible for the delay.

List it before the Division Bench on 27-2-2024.



(Justice S. Serto)

Chairperson