



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

Case No. : WA/41/2025

SHRI CHEPE WETSA AND 4 ORS
KITSUBOZOU COLONY H.NO. 14 KOHIMA NAGALAND-7970001

2: SMTI. D. RENJANO PATTON
TSUMANG A COLONY WOKHA TOWN WOKHA - 797111 NAGALAND

3: SHRI YEMTIMANGYANG
DEROGAPATHAR
DIMAPUR NAGALAND-797112

4: SHRI CHEJEI K KONYAK
CHI VILLAGE
MON NAGALAND NAGALAND -798621

5: SHRI L. HOAKA KONYAK
SHAMNYU
MON -798621
VERSUS

STATE OF NAGALAND AND 3 ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVT. OF
NAGALAND NAGALAND KOHIMA-797001

2:THE NAGALAND LOKAYUKTA
REPRESENTED BY ITS SECRETARY NAGALAND LOKAYUKTA
NAGALAND-797001

3:THE COMMISSIONER AND SECRETARY
DEPT.OF LABOUR AND EMPLOYMENT
SKILL DEVELOPMENT AND ENTREPRENEURSHIP KOHIMA -797001

4:THE DIRECTOR
DIRECTORATE OF EMPLOYMENT
SKILL DEVELOPMENT AND ENTREPRENEURSHIP KOHIMA-797001

Advocate for : C. T. JAMIR, SR. ADV
Advocate for : GOVT ADV NL appearing for STATE OF NAGALAND AND 3
ORS

Linked Case : WA/42/2025

SHRI CHEPE WETSA AND 4 ORS
KITSUBOZOU COLONY H.NO. 14 KOHIMA NAGALAND-7970001

2: SMTI. D. RENJANO PATTON
TSUMANG A COLONY WOKHA TOWN WOKHA - 797111 NAGALAND

3: SHRI YEMTIMANGYANG
DEROGAPATHAR
DIMAPUR NAGALAND-797112

4: SHRI CHEJEI K KONYAK
CHI VILLAGE
MON NAGALAND NAGALAND -798621

5: SHRI L. HOAKA KONYAK
SHAMNYU
MON -79862

VERSUS

THE STATE OF NAGALAND AND 2 ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVT. OF
NAGALAND NAGALAND KOHIMA-797001

2:THE COMMISSIONER AND SECRETARY
DEPT.OF LABOUR AND EMPLOYMENT
SKILL DEVELOPMENT AND ENTREPRENEURSHIP KOHIMA -797001

3:THE DIRECTOR
DIRECTORATE OF EMPLOYMENT
SKILL DEVELOPMENT AND ENTREPRENEURSHIP KOHIMA-79700

Advocate for the Petitioner : C. T. JAMIR, SR. ADV, O TEMJEN JAMIR,IMTILA
PONGEN,NUNGSANG AIER,KROVI TSUKRU,TOSHI JAMIR,ASA RUTSA,ALIBA
OZUKUM,I IMCHEN

Advocate for the Respondent : GOVT ADV NL,

Linked Case : WA/43/2025

SMTI. IMRONGNARO
D/O CHUBALEPZUK CHANGTONGYA VILLAGE NAGALAND
MOKOKCHUNG- 798613

VERSUS

STATE OF NAGALAND AND 3 ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVT. OF
NAGALAND
KOHIMA 797001

2:THE NAGALAND LOKAYUKTA
REPRESENTED BY ITS SECRETARY
NAGALAND LOKAYUKTA KOHIMA- 797001

3:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF
NAGALAND
DEPARTMENT OF LABOUR AND EMPLOYMENT
SKILL DEVELOPMENT AND ENTREPRENEURSHIP
KOHIMA- 797001

4:THE DIRECTOR
DIRECTORATE OF EMPLOYMENT
SKILL DEVELOPMENT AND ENTREPRENEURSHIP KOHIMA- 797001

Advocate for : C. T. JAMIR, SR. ADV
I. IMCHEN

Advocate for : N. ANGAMI, GOVT ADV NL appearing for STATE OF
NAGALAND AND 3 ORS

BEFORE:

HON'BLE MR. JUSTICE DEVASHIS BARUAH
HON'BLE MRS. JUSTICE YARENJUNGLA LONGKUMER
JUDGMENT & ORDER (ORAL)

25.03.2026
(D. Baruah, J)

Heard Mr. C.T. Jamir, learned Senior counsel assisted by Mr. I. Imchen, learned counsel appearing on behalf of the Appellants in the present batch of writ appeals. Mr. N. Angami, learned Senior Government

Advocate appears for the State of Nagaland.

2. The present batch of writ appeals have been filed challenging the common Judgment and Order dated 24.11.2025, passed in WP(C)/3/2025, WP(C)/17/2025 and WP(C)/18/2025.

3. We take up the appeals for disposal at the Admission stage itself.

BRIEF FACTS OF THE CASE

4. The Petitioners in WP(C)/3/2025 approached this Court challenging the proceedings initiated by the Nagaland *Lokayukta* in Complaint Case No. A-NLP-40/2022; the Order dated 16.07.2024 passed by the Nagaland *Lokayukta*, Nagaland; the Letter dated 26.07.2024 by the Nagaland *Lokayukta* Police, Nagaland; the Letter dated 20.12.2024 by the Joint Secretary to the Government of Nagaland, Labour & Employment, Skill Development & Entrepreneurship Department, in respect to the Petitioners as well as the Termination Order dated 07.01.2025 passed by the Director, Directorate of Labour & Employment Skill Development and Entrepreneurship, Nagaland, Kohima.

5. The challenge to the proceedings before the Nagaland *Lokayukta* by the Petitioners in WP(C)/3/2025 is on the basis that in view of Section 9 read with the Second Schedule of the Nagaland *Lokayukta* Act, 2017 the Nagaland *Lokayukta* could not have entertained such complaint and as such, the complaint, the Order as well as the Letters which have been issued by the Nagaland *Lokayukta* were put to challenge. Furthermore, as it was on the basis of the recommendation made by the Nagaland

Lokayukta, the Petitioners in WP(C)/3/2025 were terminated, that too, without issuance of any Show Cause Notice. The termination Order dated 07.01.2025 was also put to challenge.

6. Upon filing of WP(C)/3/2025, the records reveal that the impugned Order of Termination dated 07.01.2025 was stayed by the learned Single Judge. It further appears that pursuant to the stay granted to the impugned Order of Termination, the Termination Order dated 07.01.2025, by which the Petitioners in WP(C)/3/2025 were terminated was withdrawn by the State of Nagaland. It further appears that immediately thereafter Show Cause Notices were issued to the Petitioners in WP(C)/3/2025 as to why the services of the Petitioners should not be terminated. These Show Cause Notices have been assailed by the writ Petitioners in WP(C)/3/2025 by filing another writ petition, being WP(C)/17/2025.

7. The writ Petitioners in WP(C)/18/2025 was also issued a Show Cause Notice on 22.01.2025 as to why the services of the said writ Petitioner should not be terminated as the Petitioner was appointed without following due process in terms. It was also mentioned that he Show Cause Notice was issued in pursuance to the recommendations made by the Nagaland *Lokayukta* and the Personnel & Administrative Reforms Department (P&AR).

DECISION OF THE LEARNED SINGLE JUDGE

8. The records reveal that all the three writ petitions were taken up together by the learned Single Judge and vide the impugned Judgment and Order dated 24.11.2025 in the three writ petitions, the learned Single

Judge opined that the Nagaland *Lokayukta* had the jurisdiction to decide on the complaint as the complaint was made by the third party and as such, the bar imposed by Section 9 read with Second Schedule of the Nagaland *Lokayukta* Act, 2017 (for short 'the Act of 2017') would not apply. The learned Single Judge also opined that the Petitioners could not show that the opinion rendered by the Nagaland *Lokayukta* was perverse.

9. The learned Single Judge also opined that there was no necessity for interference to the Show Cause Notices so issued to the Petitioners in WP(C)/17/2025 as well as WP(C)/18/2025. In addition to that, the learned Single Judge granted liberty to the Petitioners in WP(C)/17/2025 and WP(C)/18/2025 to submit Replies within 30 (thirty) days and with a further direction that the said Replies would be considered in terms with the Order dated 16.07.2024 passed by the Nagaland *Lokayukta*.

10. Being aggrieved the present three appeals have been filed.

ANALYSIS AND DETERMINATION

11. We have heard the learned counsels appearing on behalf of the parties and have also perused the materials on record.

12. A perusal of the materials on record show that the Nagaland *Lokayukta* received a complaint filed on 10.10.2022 against the Department of Employment Skill Development and Entrepreneurship alleging that bogus employments were made to 12 (twelve) posts of Multi Tasking Staff (MTS) without obtaining the Government approval; in violation of the laid down Government procedure regulating such

appointment and further such appointments were made prior to lifting of ban on appointment by the Government. On the basis of the said complaint, a preliminary enquiry was conducted by the Nagaland *Lokayukta* on 12.10.2022 and the Progress Report dated 12.12.2022 was submitted by the Nagaland *Lokayukta* Police. By an Order dated 01.02.2023 the Nagaland *Lokayukta* issued directions were issued upon the P&AR Department to furnish information on the action taken for giving approval to the Department of Labour & Employment Skill Development and Entrepreneurship as per the established procedure and whether Advertisement for recruitment were done away with in the case of the appointment to the posts of MTS.

13. By a Communication dated 03.04.2023 the P&AR Department wrote a letter addressed to the Commissioner & Secretary, Labour & Employment Skill Development and Entrepreneurship to clarify whether the approval of the AHOD was taken in the file before the approval was issued by the Under Secretary so as to determine if action may be recommended against the AHOD or the Under Secretary or any other erring officials as the case may be. In addition to the said Communication dated 03.04.2023, the P&AR Department wrote another Letter dated 23.08.2023 addressed to the Commissioner & Secretary, Labour & Employment Skill Development and Entrepreneurship requesting to submit all the relevant correspondence/files relating to the Administrative Approval granted for the appointment of 1 (one) MTS and 8 (eight) MTS posts.

14. Subsequent thereto, the Additional Secretary and the Ex-Office

Director & HOD, Labour & Employment Skill Development and Entrepreneurship submitted a Reply with documents to the Nagaland *Lokayukta* Police. In the said Communication it was informed that:-

- (i) Appointment Orders were issued to 10 (ten) posts of MTS and not 12.
- (ii) Out of the 10 (ten) MTS Appointment Orders one MTS was appointed on compassionate ground with the approval of the Government dated 17.06.2022.
- (iii) One post and the remaining 8 (eight) posts of MTS were appointed on the basis of Government Approval Letter dated 06.04.2022 and 05.05.2022 respectively.
- (iv) No Advertisements were made in the daily Newspaper for the MTS posts.
- (v) Department Screening Committee was not constituted.

15. It further appears that the Nagaland *Lokayukta* thereupon made further enquiries and found that the action of the officials involved in the complaint appears to be more in the nature of misconduct and violation of the Government instructions and the provisions of the Nagaland Government Service Conduct Rules, 1968. The Nagaland *Lokayukta* further had taken into consideration the Office Memorandum (OM) dated 03.03.2022 and opined that there was no prior lifting of the ban as conveyed in the Letter of the Government Approval.

16. Based upon the Investigation so carried out, the learned Nagaland *Lokayukta* provided its findings and recommendations in the Order dated 16.07.2024 stating *inter alia* that the allegations made in the complaint dated 10.10.2022 (wrongly mentioned as 30.09.2022) were proved to be true on bogus appointments of 9 (nine) MTS and not 12 (twelve) as alleged. In the said recommendation, it was also mentioned that the 9 (nine) appointments made to the post of MTS were null and void in the eye of law. It was also recommended that in the light of the findings, the competent authority of the Department of Labour and Employment Skill Development and Entrepreneurship were required to terminate the appointment of 9 (nine) illegal appointees by following due process of law by issuing Show Cause Notices as to why their appointments should not be terminated as their appointments did not have the sanction of law.

17. It further appears that in pursuance thereto the Petitioners in WP(C)/3/2025 were terminated vide an Order of Termination dated 07.01.2025. This Order of Termination dated 07.01.2025 was made even without issuance of any Show Cause Notice though in recommendation made in the Order dated 16.07.2024 by the Nagaland *Lokayukta*, it was recommended that Show Cause Notices were required to be issued.

18. The records further reveal that upon the writ petition being WP(C)/3/2025, filed and a stay granted to the Order of Termination dated 07.01.2025, the State Respondents thought it prudent to withdraw the Termination Order dated 07.01.2025 and accordingly, withdrew the Termination Order dated 07.01.2025 during the pendency of WP(C)/3/2025. Subsequently on 22.01.2025, Show Cause Notices were

issued to the Writ Petitioners in WP(C)/3/2025 as well as the writ Petitioner in WP(C)/18/2025. It is under such circumstances, both the writ petitions being WP(C)/17/2025 and WP(C)/18/2025 has been filed.

19. In the backdrop of the above, let this Court analyze whether the Nagaland *Lokayukta* had the authority to decide and to investigate the complaint dated 10.10.2022 inasmuch as it is the specific case of the Petitioners that the Nagaland *Lokayukta* do not have the jurisdiction to do so taking into account Section 9 of the Act of 2017 read with Second Schedule, more particularly Clause (d) of the Act of 2017.

20. We have perused the Act of 2017 which was enacted for the purpose of conducting investigation and enquiries. Section 8 of the Act of 2017 stipulates the Matters which may be investigated by the *Lokayukta* or the *UpaLokayukta*. A perusal of the Sub Section (1) of Sub Section (2) of Sub Section 8 reveals that the *Lokayukta* may investigate any action which is taken up or with the general or specific approval of the Chief Minister or the Minister or a Secretary; a Member of the State Legislature; Vice Chancellor or Registrar of a University; the Chairman or Vice Chairman or Member of an Authority, Board, or a Committee, a Statutory or non Statutory Body or a Corporation established by or under any law of the State Legislature; any other public servant as well as with the general or specific approval of a public functionary. It further appears from a reading of Section 8(3) that the *Lokayukta* may for reasons to be recorded in writing investigate any action which may be investigated by an *Upa Lokayukta* whether or not a complaint has been made to the *Lokayukta* in respect to such action.

21. This Court now finds it relevant to take note of Section 9 of the Act of 2017 which refers to matters which the *Lokayukta* shall not investigate. Section 9(1) starts with the words "Except as hereinafter provided" and proceeds with what the *Lokayukta* or the *Upa Lokayukta* shall not investigate. It stipulates in Clause (a) and (b) of Sub Section (1) of Sub Section 9 what the *Lokayukta* or *Upa Lokayukta* shall not investigate. Clause (a) of Section 9(1) is of relevance inasmuch as it is the case of the Petitioners that the *Lokayukta* cannot investigate in respect to matters if such action relates to matters specified in Second Schedule.

22. We have taken note of the Second Schedule which specifically relates to Section 9(1)(a) of the Act of 2017. It includes various type of actions which the *Lokayukta* cannot investigate and in terms with Clause (d) of the Second Schedule action taken in respect of appointments, removal, pay, discipline, superannuation or any other matters relating to conditions of service of public servants cannot be taken up for investigation by the *Lokayukta*. However, at Clause (d) itself it is mentioned that claims for pension, gratuity, or provident fund which arises on retirement, removal, on termination of service and such other action involving allegation of corruption is not barred under the provisions of Section 35 of the Act. Taking into account the importance of Clause (d) to the present dispute, we reproduce Clause (d) of the Second Schedule:-

"(d) Action taken in respect of appointments, removal, pay, discipline, superannuation or other matters relating to conditions of service of public servants but not including action relating to claims for pension, gratuity, provident fund or to any claim which arise on retirement, removal on termination of service and such other action involving allegation of corruption in respect of appointment

not barred under provision of section-35 of the Act.”

From the above quoted Clause, it is apparently clear that when it relates to allegations of corruption in respect to appointment the bar contained in Section 9 (1)(a) of the Act of 2017 would not apply.

23. We also find it relevant to take note of Section 10 of the Act of 2017. Section 10 is relevant taking into account the opening words of Section 9(1), i.e. “Except as hereinafter provided”. A perusal of Section 10(1) stipulates that the complaint may be made under the Act of 2017 to the *Lokayukta* in the case of an allegation by any person and in the case of any grievance by a person aggrieved. The proviso to Section 10(1) relates to the continuation of an investigation into a grievance of a person aggrieved even upon his death through his legal representative or by any other person who is authorized by writing in their behalf.

24. In the backdrop of the above, if this Court recapitulates the facts as already delineated herein above and more particularly the complaint which was filed on 10.10.2022, it would show that the complaint was lodged making allegations of corruption. Accordingly, it is our opinion that the bar contained in Section 9(1)(a) read with Clause (d) of the Second Schedule to the Act of 2017 would not apply to the facts of the instant case.

25. We are, therefore, inclined to observe that the learned Single Judge was therefore right in observing that the power contained under Section 9 as well as the Second Schedule shall not bar the investigation of the complaint dated 10.10.2022.

26. We, therefore, opine that the contention of the Petitioners/Appellants herein to the effect that the *Lokayukta* had no jurisdiction to entertain the complaint dated 10.10.2022 and submit recommendations is rejected.

27. Having observed above that the learned *Lokayukta* has the jurisdiction to have entertained and decide the complaint dated 10.10.2022, we find it relevant to take note of Section 12 of the Act of 2017 which stipulates the procedure in respect to an investigation to be carried out by the *Lokayukta*. Section 12(1) of the Act of 2017 being relevant is reproduced herein under:-

"(1) The Lokayukta or Upa-Lokayukta shall, in each case before it, decide the procedure to be followed for making the enquiry and in so doing ensure that the principles of natural justice are satisfied."

28. From a perusal of the above quoted Section 12(1) of the Act of 2017, it would show that the learned *Lokayukta* or the *Upa Lokayukta* as the case may be shall decide the procedure to be followed for enquiry and in doing so the principles of natural justice are required to be adhered to.

29. We have perused the entire Order dated 16.07.2024 and we are surprised to take note of that the learned *Lokayukta* while deciding and recommending that the appointments of the Petitioners herein are null and void have not even issued any notice to the Petitioners. The rights which are conferred upon the Petitioners on the basis of their appointment orders, in our opinion, cannot be done away with without following the principles of natural justice.

30. We also find it pertinent to observe that the learned *Lokayukta*,

while passing the impugned Order dated 16.07.2024 have decided the complaint and have made various other recommendations other than observing that the appointments of the Petitioners are null and void. The entire set of recommendations need not be set at naught on the ground that principles of natural justice have not been adhered to *qua* the Petitioners.

31. Under such circumstances, we are not inclined to set aside the impugned Order dated 16.07.2024, passed by the learned *Lokayukta*. However, we observe that the said recommendations so made in the impugned Order dated 16.07.2024 holding that the Petitioners' appointments are null and void cannot be applied against the Petitioners.

32. In view of the said observations, we, therefore, find it difficult to accept the directions passed by the learned Single Judge to the effect that the Replies to be submitted by the Petitioners to the Show Cause Notices has to be considered in the light of the observations made by the learned *Lokayukta* in the Order dated 16.07.2024.

33. During the course of hearing we enquired with Mr. N. Angami, learned Senior Government Advocate appearing for the State of Nagaland as to whether the Petitioners in the meantime have been confirmed. The learned counsel in all fairness submitted that the Petitioners are no longer at the stage of probation.

34. Considering the above, as the Petitioners presently holds a civil post under the State of Nagaland, the Petitioners cannot be dismissed or removed except after an enquiry in which the Petitioners are informed of

the charges against them and given reasonable opportunity of being heard in respect to those charges. The said is the mandate of Article 311(2) of the Constitution of India. Apart from that we also find it relevant to take note of Rule 9(1) of the Nagaland Services (Discipline & Appeal) Rules, 1967 which categorically mandates that no penalty can be imposed without an enquiry being held.

35. We have also taken note of the Show Cause Notices which have been issued against the Petitioners, all dated 22.01.2025 and a perusal of the said Show Cause Notices would show that it is based upon the recommendations so made by the learned *Lokayukta* in its Order dated 16.07.2024. We are of the opinion that the Show Cause Notices in the present form, therefore, cannot be allowed and accordingly, we set aside the Show Cause Notices dated 22.01.2025 impugned in WP(C)/17/2025 and WP(C)/18/2025.

36. We further observe that taking into account that the State has the power to initiate any Departmental Disciplinary Proceedings, or even take action as regards an illegal appointment when it comes to the notice of the State, the setting aside of the Show Cause Notices by this Court shall not preclude or prejudice the State to initiate such Disciplinary Proceedings or any other permissible actions as envisaged by the law.

CONCLUSIONS

37. Accordingly, we dispose of the present batch of appeals with the following observations and directions:-

(i) The impugned common Judgment and Order dated 24.11.2025 passed in WP(C)/3/2025, WP(C)/17/2025 and WP(C)/18/2025 is modified with the following observations and directions.

(ii) The Order dated 16.07.2024 passed in the Complaint Case No. A-NLP/40/2022 cannot be applied against the Petitioners. For the sake of clarity, we observe that the recommendations so made in the Order dated 16.07.2024 cannot be applied against the Petitioners but the State can initiate any proceedings independent of the same against the Petitioners.

(iii) The Show Cause Notice issued against the Petitioners, all dated 22.01.2025 impugned in WP(C)/17/2025 and WP(C)/18/2025 are interfered with and stands set aside and quashed.

(iv) The interference as well as the setting aside and quashing of the Show Cause Notices herein above shall not, however, preclude the State to initiate any Departmental Proceedings and or any other proceedings against the Petitioners, if so advised.

(v) There shall be no order as to costs.

JUDGE

JUDGE

Comparing Assistant