

WP(C) 412/2015  
BEFORE  
THE HON'BLE MRS. JUSTICE RUMI KUMARI PHUKAN

Heard Mr. B. Gadi, learned counsel, for the petitioners.

Also heard Ms. Geeta Deka, learned Senior Government Advocate, appearing on behalf of State Respondent Nos. 1 & 2; as well as Mr. Tapak Uli, learned counsel, who has entered appearance on behalf of private Respondent Nos. 3 to 7 today.

The private respondent Nos. 3 to 7, has filed a misc. application being I.A. 91(AP)2015 praying for vacation/alteration/moderation of this Court's interim order dated 19.09.2015 passed in WP(c)412(AP)2015, whereby this Court issued an interim order with a direction to the State respondents not to extend the services of private respondent Nos. 3, 4, 5, 6 & 7; if they are still serving in the Department of Industries, Govt. of Arunachal Pradesh; beyond 30.09.2015; without leave of this Court.

By filing the aforesaid misc. application, the private respondents No. 3 to 7 have prayed for vacation of the said interim order on the ground that their services has already been extended for a further period of 1(one) year. In respect of some of the private Respondents No. 3 to 7; it has been extended till 17.12.2015 while for some of them, it has been extended till 24.01.2016. Such arrangement has been made by the State Respondents till appointment of regular candidates to their respective posts. Hence, the private Respondents No. 3 to 7 have prayed for their service protection till expiry of the period, above-mentioned. I have considered the submissions so made above by the learned counsel for private Respondents No. 3 to 7 and the relevant documents filed by them, in this respect.

It is seen that the concerned authorities have extended their services periodically and their services has been extended to the period, as indicated above (Annexure-B Series in the I.A.). However, it is also seen that their appointment was given by the respondent authorities without following the Recruitment Rules.

Ms. Deka, learned Senior Government Advocate, has also conceded to the fact that the services of private respondents No. 3 to 7 have been extended from time to time, without holding any examination as per the Recruitment Rules for regular appointment to the said posts.

Though it has been categorically contended by the State Respondents that extension of services in respect of the private Respondents No. 3 to 7, has been given till the appointment of regular incumbent but the process for regular appointment has not yet been done till date, i.e. for more than a year of their initial appointment; which is a matter of serious concern.

It is further seen from the records that the Department concerned had issued an advertisement for the said vacant posts but subsequently it was cancelled due to some technical problem which was not a sufficient reason for cancellation. On the other hand, it is also considered that the private respondents' services have been extended till 17.12.2015/ 20.01.2016 and they are under protection of the said Department and the said private Respondents cannot be attributed with any mala-fide intention, for their service extensions, so made by the Department concerned, from time to time.

Considering all such matter on humanitarian ground, this writ petition is hereby disposed of by permitting the extension of the services of the present private Respondents No. 3 to 7, till the month of December, 2015, only.

In the meantime, the respondent authorities more particularly, the Director, Department of Industries, Government of Arunachal Pradesh, Itanagar/Respondent No. 2, will immediately make advertisement as per the existing Recruitment Rules and fill-up the same in accordance with law.

It is further hereby made clear that no sort of extension will be given to the said private Respondents No. 3 to 7, after the expiry of December, 2015, though, in case of some of the said private Respondents, extension has been given up-to January, 2016.

The private respondents are at liberty to appear in the interview against the sa

id vacant posts for regular appointment, as and when advertised by the State Respondents, as per law.

In view of the above, this writ petition stands disposed of and the connected miscellaneous application shall also stand closed.

A copy of this order be furnished to Ms. Deka, learned Senior Government Advocate, during the course of the day.