

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 292 of 2018

Date of Decision: 29.08.2018

Shri Wonstar Nongrum Vs. State of Meghalaya & Ors.

Coram:

Hon'ble Mr. Justice Mohammad Yaqoob Mir, Chief Justice

Appearance:

For the Petitioner(s) : Mr. V.K. Jindal, Sr. Adv. with
Ms. P. Biswakarma, Adv.

For the Respondent(s) : Ms. I. Lyngwa, GA

i) Whether approved for reporting in Law journals etc.: Yes/No

ii) Whether approved for publication in press: Yes/No

ORAL

1) Keeping in view the peculiar facts and features of the case it is quite apposite to dispose of this petition at its threshold stage, though learned counsel for petitioner opposed but while realizing that the respondents have to take a final decision regarding pending case of petitioner in accordance with law now agrees for disposal of this petition at this stage.

2) The precise factual background is that the petitioner was appointed as casual employee vide Director of Public Instruction order No. SCERT/APT.18/81/2-A dated 16th August, 1982 in the pay scale of Rs. 300-5-330-6-390-7-425/- p.m plus usual allowances against the post created vide No. SCERT/ETC/30/79/2 dated 11th August, 1982. On completion of 4 years of service as casual employee along with two other similarly situated casual employees namely Shri Johnson Sangma and Shri Rical Kharumnuid, their regularization cases were taken up by the State Council of Education Research & Training vide letter dated Nil March, 1986.

3) Government of Meghalaya (Education Department) initiated the process for conversion of the post of casual employees and forwarded case of 8 casual employees including petitioner. The Directorate of Education Research and Training forwarded names of casual employees for regularization to the Department of Education but as alleged due to oversight the proposal sent did not include name of petitioner which fact was pointed out by Department of Education vide letter dated 17th December, 1999. In response thereto Secretary, Directorate of Educational Research and Training vide letter dated 18th January, 2000 regretted the mistake then forwarded the particulars of petitioner to the Under Secretary to the Government of Meghalaya, Education Department. Director of Educational Research and Training vide letter dated 1st May, 2001 requested the Government in Education Department for regularization. The Department vide letter dated 30th January, 2004 conveyed Government's approval for conversion of 8 casual employees into regular employees i.e. 7 posts in DERT and 1 post in DSEL. Consequently services of 7 casual employees were regularized w.e.f. 30th January, 2004 excluding the petitioner. In view of the fact that he was earlier appointed as officiating peon, the mistake was regretted by DERT and rectification letter was issued. After hectic correspondences the case of the petitioner was not finalized.

4) The Director of Education Research & Training, Meghalaya, Shillong vide letter dated 29th March, 2017 requested the Deputy Secretary to the Government of Meghalaya, Education Department, Shilong for regularization of service of petitioner so that he may not face inconvenience after retirement, complete information in this behalf was sent to the said office. The Under Secretary to the Govt. of Meghalaya, Education Department vide communication dated 13th April, 2017 has taken up the matter of the petitioner with the Under Secretary to the Government of Meghalaya Personnel & AR (B) Department.

5) From 13th April, 2017 till date the Under Secretary to the Government of Meghalaya Personnel & AR (B) Department has not taken any decision least realizing that petitioner on reaching superannuation is to retire on 31st August, 2018, faced with such un-certain situation the instant petition has been filed.

- 6) The crux of controversy is that decision is to be taken regarding regularization case of the petitioner, which is pending before the Under Secretary to the Government of Meghalaya Personnel & AR (B) Department.
- 7) It is quite disgusting that authorities concerned have not realized the consequences in sitting over the matter, as a result whereof petitioner's agony is compounded he has to suffer for no fault of his. Be that as has happened so far, now same cannot be allowed to continue in perpetuity.
- 8) In above said background this petition is disposed of with a direction to the respondents to ensure that a decision on basis of the recommendation as made by Under Secretary to the Govt. of Meghalaya, Education Department vide No. END. 189/2008/139, dated 13th April, 2017 is taken within a period of two weeks from today, in the process applicable rules and regulations shall be strictly followed. Decision as shall be taken shall be conveyed to petitioner. Liberty to the petitioner to re-agitate subject to survival of cause.
- 9) Copy of the order be supplied to the learned counsel for the respondents so as to enable the respondents to ensure compliance within the time fixed. Copy of the order be also supplied to the learned counsel for petitioner for delivering it in the offices of the respondents for information.
- 10) Disposed of as above.

(Mohammad Yaqoob Mir)
Chief Justice

Meghalaya
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