

Serial No. 29
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 304 of 2017
With WP(C) No. 314 of 2017

Date of Decision: 27.09.2018

Shri. T. Marwein	Vs.	State of Meghalaya & Ors
Shri. K.I.K. Singh	Vs.	State of Meghalaya & Ors

Coram:

Hon'ble Mr. Justice S.R. Sen, Judge (Oral)

Appearance:

For the Petitioner(s)	:	Mr. S. Wahlang, Adv.
For the Respondent(s)	:	Mr. K. Barua, GA.

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|-----|---|--------|
| i) | Whether approved for reporting in
Law journals etc.: | Yes/No |
| ii) | Whether approved for publication
in press: | Yes/No |

1. Since the WP(C) No. 304 of 2017 and WP(C) No. 314 of 2017 are similarly situated cases, both the matters are taken up together for hearing.
2. Heard Mr. S. Wahlang, learned counsel appearing on behalf of the petitioners as well as Mr. K. Barua, learned GA appearing on behalf of the respondent No. 1-6.
3. In WP(C) No. 304 of 2017 the brief fact of the petitioner's case in a nutshell is that:

“The Petitioner has come before this Hon'ble Court, by way of Writ, being highly aggrieved of the callous attitude of the Respondents for non-regularization of his post for more than 30 years, and the Petitioner is still in service for another one or two years more.

Earlier the Petitioner vide O.O. No. 173 dated Shillong the 18th June, 1980 was appointed as temporary Forester I in the Wild Life Division, Forest Department, Government of Meghalaya as issued by Respondent No. 4. The appointment made vide

Government Sanctioned Letter No. MFD/37/79-80 dated 1.8.80 mentioned in the said Order.

Further as per the Order 173 in view of the urgency the Petitioner was appointed after due interview, physical test etc., and his name was recommended by the Forest Respondents to the Respondent 6 vide Letter No. 1/2/79 dated 22.10.79 for approval and regularization.

Subsequently vide O.O. No. 32 dated 28th April, 2008 the Petitioner was promoted to the post of the Deputy Forest Ranger as reflected in the O.O. No. 35 dated Shillong 29th April, 2008 issued by Respondent 3 thereby the Petitioner got transferred to the Office of the Respondent 5, Divisional Forest Officer(T) I/C Khasi Hills Division, Shillong Forest Department.

The Petitioner on many occasions have approached his Competent Authorities (Respondents 2-5) for considering regularization and promotion since he is eligible for the same but nothing has materialized, and he made another Representation dated 14th August, 2017 whereby the Forest Respondents replied vide letter No. MPS.1548/Pt Dated Shillong, the 26th September, 2017, that they are still awaiting the response from the Government as referred in their Office Letter No. MFE.104/Pt. II/6314 dated 19.08.2014.

Hence, the Petitioner has no other option, but to approach this Hon'ble High Court for seeking relief and justice."

4. In WP(C) No. 314 of 2017 the brief fact of the petitioner's case in a nutshell is that:

"The Petitioner has come before this Hon'ble Court, by way of Writ, being highly aggrieved of the callous attitude of the Respondents for non-regularization of his post for more than 30 years, and the Petitioner is still in service for another one or two years more.

Earlier the Petitioner vide O.O. No. 173 dated Shillong the 18th June, 1980 was appointed as

temporary Forester I in the Wild Life Division, Forest Department, Government of Meghalaya as issued by Respondent No. 4. The appointment made vide Government Sanctioned Letter No. MFD/37/79-80 dated 1.8.80 mentioned in the said Order.

Further as per the Order 173 in view of the urgency the Petitioner was appointed after due interview, physical test etc., and his name was recommended by the Forest Respondents to the Respondent 6 vide Letter No. 1/2/79 dated 22.10.79 for approval and regularization.

Subsequently vide O.O. No. 32 dated 28th April, 2008 the Petitioner was promoted to the post of the Deputy Forest Ranger as reflected in the O.O. No. 35 dated Shillong 29th April, 2008 issued by Respondent 3 thereby the Petitioner got transferred to the Office of the Respondent 5, Divisional Forest Officer(T) I/C Khasi Hills Division, Shillong Forest Department.

The Petitioner on many occasions have approached his Competent Authorities (Respondents 2-5) for considering regularization and promotion since he is eligible for the same but nothing has materialized, and he made another Representation dated 14th August, 2017 whereby the Forest Respondents replied vide letter No. MPS.1548/Pt Dated Shillong, the 26th September, 2017, that they are still awaiting the response from the Government as referred in their Office Letter No. MFE.104/Pt. II/6314 dated 19.08.2014.

Hence, the Petitioner has no other option, but to approach this Hon'ble High Court for seeking relief and justice."

5. The learned counsel appearing on behalf of the petitioners submits that the petitioners were appointed on 18th June, 1980 vide Annexure-I Page 10 of the writ petition which is the appointment letter/office order No. 173/dated Shillong, the 18th June, 1980 and serving for more than 30(thirty) years and in between these years, they were promoted, but their service remain un-regularized till date. So, necessary directions may be given.

6. On the other hand, the learned GA appearing on behalf of the respondent No. 1-6 submits that all the papers of the petitioners were sent to the Government and awaiting for the approval of the cabinet, but he could not ascertain when the approval of the cabinet will come.

7. In my view, this cabinet is meant for the common people and no matters should remain pending before the cabinet for a long time, which will cause hardships unnecessarily to the common people.

8. I have also perused the Annexure-I of the writ petition which is the appointment letter/office order quoted above and after applying my conscious judicial mind, I feel that the petitioners are fit to be regularized.

9. The State Government is directed to regularize the petitioners immediately from the date when they were due for their regularization.

10. With this observation and direction the WP(C) No. 304 and WP(C) No. 314 of 2017 are allowed and stands disposed of by this common judgment and order.



(S.R. Sen)
Judge

Meghalaya
27.09.2018
"D. Nary, PS"