

Serial No. 01

Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

MC[WP(C) No. 26 of 2021 in
WP(C) No. 457 of 2018

Date of Decision: 28.05.2021

Shri Gagan Deka Vs. State of Meghalaya & 4 Ors.

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner/Appellant(s) : Ms. N. Saikia, Adv.
For the Respondent(s) : Mr. B. Bhattacharjee, AAG with
Ms. Z.E. Nongkynrih, GA.

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

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

1. Heard learned counsels for the parties.

2. Ms. N. Saikia, learned counsel for the Petitioner has submitted that the Petitioner is one of the Petitioners in the main case that is, WP(C) No. 457 of 2018, however in course of the proceedings, he was released from service on the ground of superannuation on attaining the age of 58 years. This was purportedly done on the strength of Office Memorandum PER/AR/36/70 Dt. 16/09/1996 communicated vide letter No. Estt/16/97-98/Pt-IV/11,287-292 dated 29/3/2018.

3. Submitting that the case of the Petitioner is that till date his services has not been regularized as directed by related Orders of the High Court and the Hon'ble Supreme Court and as such, his pension benefits is due and payable to him.

4. The learned counsel has however submitted that the issue of continuation of service till the Petitioner reached the age of 60 is not pressed as in the meantime, the Petitioner has already reached 60 years of age.

5. It is prayed that the Respondent Authority may be directed to give the benefit to the Petitioner as directed by the High Court and the Hon'ble Supreme Court, including all the financial benefits as regard scale of pay and arrear salary w.e.f. 14.08.1991.

6. Mr.B.Bhattacharjee, learned AAG has strongly opposed this application and has submitted that the same is not maintainable.

7. Upon hearing the learned counsels, this Court on perusal of the records, particularly the provisions of the said "*Meghalaya Regular Casual Workers Scheme 1996*", what is noticed is that the Petitioner was initially appointed as a Muster Roll Labourer, but subsequently by virtue of the Court's order, he along with other similarly situated MR/Labourers has been absorbed as Regular Casual Worker as per the "*Meghalaya Regular Casual Workers Scheme 1996*".

8. It is also seen that as per the provisions of the said Scheme, at paragraph 6, it is provided that an RCW shall ceased to be employed on his attaining 58 years which was accordingly done in the case of the Petitioner herein and as such, there can be no grievance to the action of the Respondent Authority in superannuating him in accordance with rules.

9. Consequently, this Court finds no justification in the prayer of the Petitioner in this instant petition. The same is hereby dismissed as devoid of merits.

10. Application disposed of. No cost.

Judge

Meghalaya
28.05.2021
"D. Nary, PS"