

**Serial No. 58**  
**Regular List**

**HIGH COURT OF MEGHALAYA**  
**AT SHILLONG**

WP(C) No. 36 of 2022

Date of Decision: 29.07.2022

Shri Ganga Ram Sharma                      Vs.              State of Meghalaya & Ors.

**Coram:**

**Hon'ble Mr. Justice H. S. Thangkhiew, Judge**

**Appearance:**

For the Petitioner(s)                      :              Ms. C.B. Sawian, Adv.

For the Respondent(s)                      :              Mr. A.H. Hazarika, 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 |

**JUDGMENT AND ORDER (ORAL)**

1.              The petitioner herein was initially appointed as an officiating peon in the Office of the Officer Commanding, 41 Meghalaya Arty. Btty. N.C.C. Shillong on a regular scale of pay vide appointment order dated 30.04.1982, issued by the then Joint Director of Public Instruction, Meghalaya, Shillong, and the service book of the petitioner was also opened. Thereafter, by order dated 24.08.2001, the petitioner whose name appeared at Sl. No. 35 of the said list, was

confirmed in the said post along with other persons. It is noted in the said confirmation letter that, confirmation was against a post permanently retained, vide Govt. No. 506/81/21, dated 10.02.1987. It appears that in spite of confirmation in service, the petitioner after retirement on 01.05.2020, is yet to receive his pensionary and other terminal benefits.

2. Ms. C.B. Sawian, learned counsel for the petitioner submits that in spite of the materials on record which clearly reflected that the petitioner has been confirmed in service, formal regularization however, has not be accorded. She further submits that as the petitioner was confirmed against the sanctioned post, there should be no impediment on the part of the respondents to process the pensionary benefits etc. of the petitioner.

3. Mr. A.H. Hazarika, learned GA by referring to the affidavit filed by the State respondents submits that since the petitioner was initially appointed as an officiating peon under 41 Meghalaya Bn NCC, the Department was not in a position to issue regularization order without referring the matter to the Government, particularly to the Department of Personnel and Administrative Reform (B) Department for necessary approval and regularization.

4. With regard the other prayer of the petitioner for up-gradation or the benefits under the Assured Career Progression Scheme

(ACPS), the learned GA submits that in the event an order of regularization is passed, all consequential benefits as entitled will be received by the petitioner.

5. I have heard the learned counsel for the parties.

6. Admittedly, the petitioner has been in service since 1982 and retired on 01.05.2020, and during the entire duration of his service as evident from the materials on record enjoyed a regular scale of pay, however, it is not understood on what premise or reason, regularization order is yet to be issued by the concerned respondents.

7. In consideration to the facts and circumstances of the case, it is directed that the State respondents shall process the case of the petitioner most expeditiously preferably within a period of 2(two) months from today. It is understood that as the petitioner has already been confirmed in service, on regularization all consequential benefits as entitled shall be accorded to the petitioner.

8. With the above noted directions, this writ petition stands closed and is accordingly disposed of.

**JUDGE**

Meghalaya  
29.07.2022  
"V. Lyndem-PS"