
(2006) 05 GAU CK 0020
In the Gauhati High Court

E.Dhabali Singh

APPELLANT

Vs

State of Manipur and Ors.

RESPONDENT

Date of Decision : 08-05-2006

Acts Referred:

Citation : (2006) 05 GAU CK 0020

Hon'ble Judges : T.Nanda kumar Singh, J

Bench : Single Bench

Advocate : N.Surendrajit Singh, Geetarani Devi, Advocates appearing for Parties

Judgement

1. Heard Ms. Geetarani Devi, learned counsel appearing on behalf of the petitioner as well as Mr. N. Surendrajit Singh, learned counsel for all the respondents.

2. Considering the innocuous prayer made in the present writ petition this writ petition is disposed of at this stage.

3. The fact, stated in short, of the petitioner's case is that the petitioner was engaged as Power Tiller Operator/Tractor Driver on muster roll basis at the office of the Rice Research Station, Wangbal under the Agriculture Department, Govt. of Manipur under an order of the Agriculture Officer(Botany) dated 5th November, 1980. It is said that since the date of his engagement as Power Tiller Operator/Tractor Driver on muster roll basis under the said order of the Agriculture Officer (Botany) dated 5.11.1980, the petitioner is continuing to serve as Power Tiller Operator/Tractor Driver. It is also said that the Government of Manipur prepared a scheme under office memorandum dated 10th February, 1999 under which the casual employees who have rendered continuous service for more than 20 years may be brought on the regular establishment by regularization of their services, a copy of which is available at AnnexureA/3 to the present writ petition.

4. The case of the petitioner had been recommended by the Director of Agriculture, Govt. of Manipur under his letter being No.AGM1/220/256/25(Pt)(c)

dated Imphal, the 15th April, 1999 to the Commissioner (Agriculture), Govt. of Manipur. For easy reference the said letter of the Director of Agriculture, Govt. of Manipur is quoted hereunder:

?GOVERNMENT OF MANIPUR

DEPARTMENT OF AGRICULTURE: MANIPUR

No.AGM1/220/256/25 (Pt)(c)Imphal, the 15th April, '99

To,

The Commissioner (Agriculture), Govt. of Manipur, Imphal.

Sub: Appointment and regularization of casual Employees of the NonEngineering Deptts. under the State Govt.instruction regarding.

Sir,

With reference to the Govt. letter No.30Misc/2/96Agri dt. 20.3.1999, on the above subject I have to say that this office has earlier submitted the list of casual employees who have completed 14 to 19 years of service in the Department of Agriculture, Manipur. The list is resubmitted herewith along with the statement of (i) Name of post held by them, (ii) Date of appointment, (iii) Date of birth, (iv) Educational Qualification and (v) Place of posting along with the copies of appointment orders issued by the Heads of Offices. As per the scheme of the Govt. of Manipur circulated vide Memo No.23/54/89DP (Pt) dt. 10.02.99 of the D.P. the Casual Employees should have been appointed by the Heads of Department (HOD) with the prior approval of the Govt. and have completed 20 years in service to deserve consideration for regularization of their services. It will be seen that none of the casual employees listed has completed 20 years of service and none was appointed by the Head of Department. In this context, it is to state that earlier at the time the above employees were appointed and there was no restriction in appointing the casual employees in the suboffices by the Heads of Office nor was there any instruction to obtain prior approval of the Govt. Hence these Casual Employees were appointed by the Head of Offices. So, this condition needs to be waived at the time of consideration for regularization appointment. In the case of length of casual service also those who have reached 20 years may be considered in relaxation of the restriction on length of service.

In view of the precarious conditions of the casual employees now servicing in the Department of Agriculture and the intervention by the Gauhati High Court not to oust the casual employees arrangement to constitute a ?Screening Committee comprising the following may kindly be constituted early.

- (1) Director of Agriculture.
- (2) Representative of Finance Deptt., and
- (3) Representative of D.P.

A full note in respect of eligibility, identity, genuineness, seniority etc. will be submitted after constitution of the committee and fixing the date of the meeting.

Yours faithfully,

Sd/

(B.H. SHARMA)

Director of Agriculture, Manipur.?

5. The petitioner also filed a representation dated 21.12.2000 to the Director of Agriculture, Manipur to consider his case under the said office memorandum of the Govt. of Manipur. But for the reasons best known to the respondents, the said representation of the petitioner dated 21.12.2000 is not yet disposed of.

6. Taking into consideration of the submissions of the learned counsel for the petitioner as well as the learned counsel for the respondents, this writ petition is disposed of by directing the Commissioner/ Secretary (Agriculture), Govt. of Manipur to take appropriate decision on the said letter of the Director of Agriculture, Manipur dated 15th April, 1999 which had been quoted above in entirety and also to consider and dispose of the said representation of the petitioner dated 21.12.2000 within a period of 3(three) months from the date of receipt of the certified copy of the judgment and order passed by this court.

7. With the above observations and directions, this writ petition is disposed of. No costs.