
(2006) 01 GAU CK 0043
In the Gauhati High Court

Haobam Sunil Singh

APPELLANT

Vs

State of Manipur

RESPONDENT

Date of Decision : 02-01-2006

Acts Referred:

Citation : (2006) 01 GAU CK 0043

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

Bench : Single Bench

Advocate : Ch.Bidyamani Devi, N.Kotishwar Singh, Advocates appearing for Parties

Judgement

1. Heard Mr.N.Kotishwor, learned counsel for the petitioner as well as Ms.Ch.Bidyamani Devi, learned GA for the respondents.

[2] As agreed to by both the parties, this writ petition is taken up for final disposal at this stage.

[3] The short fact of the petitioner's case is that the petitioner is a Masters Degree holder in Engineering and he was initially appointed as Assistant Engineer on direct recruitment on the recommendation of the Manipur Public Service Commission vide order No.15/51/80PHE(PtII) dated 3.10.1985, copy of which is available at AnnexureA/2 to the writ petition. Under the Recruitment Rule for the post of Executive Engineer, PHED, the post of Executive Engineer is to be filled up by promotion from amongst the Assistant Engineers (Degree holders) with 6 years regular service in the grade. It is further submitted that the petitioner became eligible for appointment to the post of Executive Engineer as early as 1991. While the petitioner was working as Assistant Engineer on regular basis, he was allowed to hold the charge of Executive Engineer, Project Construction Division vice one G.C Nath, Executive Engineer (retired) on in charge basis with all the financial and technical power as delegated to Executive Engineers vide order No.7/81/78PHE dated 31/12/1997. In pursuance of the said order of the Government of Manipur dated 31.12.1997 the writ petitioner started to work as

E.E on in charge basis. While the petitioner was working as such on in charge basis the Government of Manipur issued an order being No.2/13/91PHE dated 18.01.1999 for appointing him by promotion to the post of E.E on ad hoc basis for a period of 6 (six) months or till the posts are filled up on regular basis whichever was earlier. In pursuance of the said order of the Government of Manipur dated 18.1.1999 the petitioner continued to serve as E.E on ad hoc basis.

[4] It is also the case of the petitioner that his ad hoc appointment as E.E under the Government of Manipur order dated 18.1.1999 had been extended from time to time under different orders of the Government of Manipur viz:No.2/13/91PHE (PtA) dated 25.7.2000 and No.2/13/91PHE(PtA) dated 25.07.2000. It is also the case of the petitioner that while he was working as E.E on ad hoc basis, his ad hoc appointment as E.E. had been regularized on the recommendation of the DPC associated with the MPSC under the order of Government of Manipur being No.1/3/95PHE dated Imphal the 5.6.2000.

[5] The only grievance of the petitioner in the present writ petition is that when the Government of Manipur regularized the ad hoc service of the petitioner as E.E. under the said order dated 5.6.2000, his continuous ad hoc service as E.E. w.e.f. 18.1.1999 till 4.6.2000 had been neglected. Such being the situation, the petitioner approached this court by filing the present writ petition and the only prayer is that his continuous ad hoc service as E.E w.e.f. 18.1.1999 to 4.6.2000 shall be counted for pensionary benefits and other purposes but not for seniority.

[6] Learned counsel appearing for the petitioner also submits that this court in a catena of cases had already passed judgment and orders directing the respondents to count the continuous ad hoc service of employees for pensionary benefit and other benefits but not for seniority purposes.

[7] Such being the situation, it is submitted that the present writ petition is squarely covered by the earlier decisions of this court in the writ petitions which are similarly situated with the present petitioner.

[8] The learned GA appearing for the respondents also agree that the present writ petition is squarely covered by the earlier decisions of this court.

[9] Accordingly, this writ petition is disposed of by directing the respondents to count the continuous ad hoc service of the petitioner as E.E w.e.f. 18.1.1999 to 4.5.2000 for pensionary and other service benefits but not for seniority purposes.

To the extent mentioned above, writ petition is allowed.