
(2006) 07 GAU CK 0017
In the Gauhati High Court

H.Gitabali Devi and Anr.

APPELLANT

Vs

State of Manipur and Anr.

RESPONDENT

Date of Decision : 24-07-2006

Acts Referred:

Citation : (2006) 07 GAU CK 0017

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

Bench : Single Bench

Advocate : G.Puspa Devi, R.S.Reisang, Advocates appearing for Parties

Judgement

1. Heard Mrs. G. Puspa Devi, learned counsel appearing on behalf of the petitioner as well as Mr. R.S. Reisang, learned G.A. appearing for the respondents 1 and 2.

2. Considering the prayers made in the present writ petition and also on perusal of the earlier judgment and order of this court dated 2.1.2006 passed in W.P(C)No.128 of 2002, the present writ petition is taken up for disposal at the admission stage.

3. The succinct facts which gives rise to the filing of the present writ petition are that the petitioner no.1, Smt. H. Gitabali Devi, was appointed by promotion to the post of Child Development Project Officer (for short "CDPO") in the Social Welfare Department on ad hoc basis for a period of 6(six) months vide order of the Govt. of Manipur being No.29/37/89SE(SW) dated 07.05.1999 from the date of joining her duty or till the post is filled up on regular basis whichever is earlier until further orders, a copy of which is available at AnnexureA/1 to the present writ petition. Similarly, the petitioner no.2, Smt. L. Sorojini Devi, was also appointed by promotion to the post of CDPO in the Social Welfare Department on ad hoc basis for a period of 6(six) months from the date of joining her duty or till the post is filled up on regular basis whichever is earlier until further orders vide order of the Govt. of Manipur being No.29/37/89 SE(SW) dated 18th May, 1999, copy of which is available at AnnexureA/2 in the present writ petition. It is said

that in pursuance of the said orders of the Govt. of Manipur dated 7.5.1999 and 18.5.1999, the petitioners joined their respective posts as Child Development Project Officers. The terms of their ad hoc appointment as Child Development Project Officers (CDPO) had been extended from time to time under different orders of the Government of Manipur, Viz. (1) Order dated 24.3.2000 (AnnexureA/3); (2) order dated 21.11.2000 (AnnexureA/4); (3) order dated 7.4.2001 (AnnexureA/5).

4. It is said that they had been continuing to serve as adhoc CDPOs without any break till the term of their ad hoc appointment had been extended from time to time by different orders of the Govt. of Manipur mentioned above. In this regard, the learned Govt. Advocate appearing for the respondents submits that there are some breaks in extending the terms of ad hoc appointment of the petitioners as CDPOs. In this regard the learned counsel for the petitioners submits that they had been continuing to serve as ad hoc CDPOs and later, on the recommendation of the Departmental Promotion Committee associated with the Manipur Public Service Commission, the ad hoc appointments of the petitioners as CDPOs had been regularized vide order of the Government of Manipur being No.8/16/97S (SW)Pt.I dated 18.2.2002 (AnnexureA/6 to the present writ petition). The only grievance of the present writ petitioners in the present writ petition is that while regularizing the ad hoc services of the petitioners as CDPOs under the said order of the Govt. of Manipur dated 18.2.2002, the long and continuous ad hoc services of the petitioners had not been taken into consideration. Hence, the present writ petition for directing the state respondents to regularize the ad hoc services of the petitioners as CDPOs with effect from the date of their initial ad hoc appointment as CDPOs only for pensionery and financial benefits and not for seniority purposes.

5. Mrs. G. Puspa Devi, learned counsel appearing for the petitioners in order to substantiate the case of the petitioners has pressed the decision under judgment and order of this Court dated 2.1.2006 passed in W.P(C) No.128 of 2002 into services. The fact in the case of W.P(C) No.128 of 2002 was that the petitioner was appointed on ad hoc basis to the post of Executive Engineer and later on his ad hoc appointment as Executive Engineer had been regularized but the continuous ad hoc services of the petitioner as Executive Engineer had not been taken in to consideration for any purpose. This court by passing judgment and order dated 2.1.2006 directed the respondents to count the continuous ad hoc services of the petitioner, i.e. the writ petitioner in W.P(C) NO.128 of 2002, w.e.f.18.1.1999 to 4.6.2000 for pensionery and other service benefits but not for seniority purposes.

6. Taking into consideration of the submissions of the learned counsel for the petitioners and also the earlier decision of this court, this writ petition is disposed of by directing the respondents to count the ad hoc services of the petitioner as Child Development Programme Officer w.e.f. 7.5.1999 in respect of the petitioner no.1 and w.e.f. 18.5.1999 in respect of the petitioner no.2 for pensionary

benefits but not for seniority purposes.

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