
(2006) 08 GAU CK 0079
In the Gauhati High Court

Hijam Jugindro Singh

APPELLANT

Vs

State of Manipur and Anr.

RESPONDENT

Date of Decision : 21-08-2006

Acts Referred:

Citation : (2006) 08 GAU CK 0079

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

Bench : Single Bench

Advocate : Y.Nirmolchand, Th.Ibohal Singh, Advocates appearing for Parties

Judgement

1. Heard Mr. Y.Nirmolchand, learned counsel appearing for the petitioner. Mr. Th. Ibohal, learned Govt.Advocate for the respondents 1 and 2 prays for time. However, taking into consideration of the innocuous prayer made in the present writ petition, this petition is taken up for final hearing and is disposed of at this stage.

2. The facts stated in brief of the petitioner's case is that petitioner was initially appointed as Section OfficerGradeII on adhoc basis vide order dated 7.5.1973 until further orders. A copy of the said order dated 7.5.1973 is at AnnexureA/1 to the present writ petition. From perusal of the order dated 7.5.1973, it is clear that the adhoc appointment of the petitioner to the post Section OfficerGradeII was until further orders. In pursuance of the said order of 7.5.1973, the petitioner joined as Section OfficerGradeII and he continued to work as Section OfficerGradeII on adhoc basis without any break and his service as Section OfficerGradeII was regularized on the recommendation of the DPC vide order dated 6.3.1986 with effect from 30.12.85. (A copy of the said order dated 6.3.1986 is available at AnnexureA/2 to the present writ petition.)

3. Subsequently, on the recommendation of the DPC held on 23.10.1997, the petitioner was further promoted to the post of Section OfficerGradeI vide order dated 13.2.1998. A copy of the said order is available at AnnexureA/3 to the present writ petition. Thereafter, the petitioner retired on superannuation with

effect from 31.3.1.2005 vide office order No.571, Imphal the 25th January, 2005 issued by the Chief Engineer (Power), Government of Manipur.

4. The only prayer sought for in the present writ petition is that because of the nonregularization of the adhoc service period of the petitioner as Section OfficerGradeII with effect from 7.5.1973 to 29.12.1985, the petitioner is not getting retirement benefit for working as the Section OfficerGradeII during that period i.e. from 7.5.1973 to 29.12.1985. The simple prayer sought for in the present writ petition is for a direction to regularize the service of the adhoc service of the petitioner as Section OfficerGradeII from 7.5.1973 to 29.12.1985 for pensionary and retirement benefits only. In order to substantiate the case of the petitioner, learned counsel for the petitioner had pressed into service the earlier judgment and order of a Division Bench of this court dated 01.3.2000 passed in Writ Appeal No. 20 of 2000 and the judgment and order dated 01.3.2006 passed in Writ Petition (C) No. 38 of 2006. From perusal of the earlier judgment and order of a Division Bench of this court dated 01.3.2000 passed in Writ Appeal No. 20 of 2000 and the judgment and order dated 01.3.2006 passed in Writ Petition (C) No. 38 of 2006, this court is of the considered view that the present writ petition is squarely covered by the said judgments and orders. In the earlier judgment and order, this court had directed the respondents to regularize the period of adhoc service of the writ petitioner only for the purpose of pensionary benefits and not for any other purpose.

5. Taking into consideration of the submission of the learned counsel for the petitioner as well as on perusal of the case of the petitioner in the present petition supported by an affidavit and also the earlier judgments and orders, this writ petition is disposed of by directing the respondents to regularize the adhoc service of the petitioner as Section OfficerGradeII from 7.5.1973 to 29.12.1985 if there was no break in service and also the petitioner continuously worked as Section Officer Grade II on ad hoc basis during that period. The respondents are further directed to issue the necessary order within one month from the date of receipt of a certified copy of this order.

6. With the above directions, this writ petition is allowed.