
(2006) 04 GAU CK 0043
In the Gauhati High Court

Konthoujam Ibocha Singh

APPELLANT

Vs

State of Manipur and Anr.

RESPONDENT

Date of Decision : 03-04-2006

Acts Referred:

Citation : (2006) 04 GAU CK 0043

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

Bench : Single Bench

Advocate : Raju, Th.Ibohal Singh, Advocates appearing for Parties

Judgement

1. Head Mr.Raju, learned counsel for the petitioner as well as Mr.Th.Ibohal, learned GA for the respondent nos.1 and 2.

[2] By this writ petition, the petitioner is asking for a simple direction to the respondents to count the continuous service of the petitioner w.e.f. 26.3.1979 to 5.4.2000 for the purpose of pensionary and retiral benefits by issuing necessary orders.

[3] This writ petition is filed basing on the fact that the petitioner and two other persons, namely: (1) Shri Kh.Biren Singh and (2) Shri Kh.Jarmo Singh were appointed as casual chowkidars against the schools noted against their names in the order of the Inspector of Schools, ZoneI dated 26.3.1979, copy of which is available at AnnexureA/1 to the present writ petition. In pursuance of the said order of the Inspector of Schools, ZoneI dated 26.3.1979 they started to render their services as casual chowkidars and it is said that petitioner and others had approached this court by filing the writ petition for a direction to the respondents to consider their cases for absorption in the service. It is said that the representation had been disposed of by this court in their favour. In pursuance of the direction of this court, cases of the petitioner and two others for regularization in the posts of chowkidar vide order of the Director of Education (S), Government of Manipur being No.2/86/96 ED(S), dated 6.4.2000 regularized the service of the petitioner and two others to the posts of chowkidars with

immediate effect.

[4] The only grievance of the petitioner is that while regularizing his casual service as Chowkidar under the said order of the Director of Education (S), Government of Manipur dated 6.4.2000 his long and continuous service as casual chowkidar had not been taken into consideration only for retiral and pensionary benefits. It is also submitted that the said Shri Kh.Jarmo Singh who was appointed along with the petitioner as casual chowkidar under the said order of the Inspector of Schools, ZoneI dated 26.3.1979, had approached this court along with three other casual employees by filing a joint writ petition being CR No.1194 of 1999 for a direction to the respondents to count the period of their casual services rendered by them before regularization of their services for the purpose of retiral and pensionary benefits. The said CR No.1194 of 1999 had been finally disposed of by passing judgment and order dated 7.6.1999 to the effect that: "In view of the above position the respondents are directed to count the period of their casual services rendered by these 4 writ petitioners before regularization of their services for the purpose of retiral and pensionary benefits." Copy of the said order of this court dated 7.6.1999 is available at AnnexureA/7 to the present writ petition. It is also said that the casual employees of the Education Department who are similarly situated with the present petitioner had also approached this court by filing different writ petitions for a direction to the respondents to count the period of their casual services before regularization of their services for pensionary and retiral benefits and those writ petitions had been allowed by different orders of this court. The State Government also had already complied with the direction of this court passed in the earlier writ petitions. One of the order of the Director, Education (S), Government of Manipur in compliance of the order of this court dated 15.5.2002 reads as follows:

"No.2/424/2000ED(S) Pt: In compliance with the Hon'ble Court's orders dated 25.9.2000 passed in WP(c) No.1312 of 2000 and in pursuant of the approval of the Govt. conveyed vice letter No.12 (HC)/273/2000SE(S) dated 11th March, 2002, the services of Md.Mahejuddin, GradeIV (Peon) of Eastern Christian High Schools is hereby linked up from 12.6.80 to 11.9.98 for the purpose of pensionary benefits only."

[5] Taking into consideration of the submission of learned counsel for the petitioner and also earlier order of this court and the order of Director, Education (S), Government of Manipur dated 15.5.2002, this court has no hesitation to come to the conclusion that the petitioner is also entitled to get the similar relief granted by this court in the earlier writ petition filed by casual employees.

[6] Accordingly, respondents are directed to count the period of casual service rendered by the petitioner w.e.f. 26.3.1979 to 5.4.2000 on which the petitioner had been regularized, for the purpose of pensionary and retiral benefits.

[7] Respondents are, further, directed to issue necessary orders within 4 (four)

months from the date of receipt of certified copy of this judgment and order.
With the above observation and direction writ petition is allowed.