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**(2006) 04 GAU CK 0040**  
**In the Gauhati High Court**

L.Bijoy Singh

APPELLANT

Vs

State of Manipur and Anr.

RESPONDENT

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**Date of Decision :** 27-04-2006

**Acts Referred:**

**Citation :** (2006) 04 GAU CK 0040

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

**Bench :** Single Bench

**Advocate :** Th.Ibohal Singh, N.Surendrajit Singh, Advocates appearing for Parties

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## Judgement

1. Heard Mr. N. Surendrajit Singh, learned counsel for the petitioners as well as Mr. Th. Ibohal Singh, learned G.A. appearing on behalf of all the respondents.

2. The petitioners 3 in number filed the present writ petition on the fact that they are the contract employees in the Directorate of Health Services, Govt. of Manipur in the capacity of Ward Attendant. They have been working as Ward Attendant since 27.1.1999 till date. In the present writ petition, the petitioners are asking for a direction to the respondents to consider their contract employment for regularization or for regular appointment. The learned counsel for the petitioner fairly submits that because of the latest decision of the Apex Court (C/B) in the Umma Devi & Ors the petitioners are not seeking relief for a direction to the respondents to consider their cases for regular appointment but the learned counsel by referring to the para46 of the judgment of the Apex Court in Umma Devi & Ors (Supra) submits that this court may give the direction to the concerned authorities to give some weightage for their continuing service as contract workers in the Directorate of Health Services, Govt. of Manipur for a significant period of time at the time of facing the competent DPC for appointment to the post of Ward Attendant according to the Recruitment Rules. In this regard, the learned G.A. submits that the Apex Court in the Umma Devi (Supra) by exercising the powers under Art.142 of the Constitution of India had directed the concerned authority to give weightage to the contract employees for having engaged in the work in the concerned department for a significant period

of time. Such being the situation, this court cannot give a similar direction as that direction could only be issued by the Apex Court in exercising its powers under Article 142 of the Constitution of India.

3. Be that as it may, from the record it appears that the petitioners had been working as Ward Attendant for a significant period of time, i.e. w.e.f. January, 1999, till date. By filing additional affidavit it has been brought to the notice of the court that the department concerned had already issued the requisition letter to the Director of Employment, Govt. of Manipur for requisition of candidates for appointment to 31 posts of Ward Attendants, out of which 26 posts are for general candidates. Such being the situation, keeping in view the decisions of the Apex court, this writ petition is disposed of by directing the petitioners to appear before the DPC for regular appointment to the said 26 vacant posts of Ward Attendants for general candidates in pursuance of the said requisition letter of the Directorate of Health Services, Govt. of Manipur dated 13.3.2006 to the Director of Employment, Govt. of Manipur.

4. It is left to the competent authority, i.e. the recruitment authority, to consider for giving weightage to the petitioners for their contract appointment/contract services for the fairly long period, i.e. from January, 1999 till date at the time they face the selection or/ DPC for the said posts of 26 Ward Attendants.

5. Regarding the relaxation of age, the learned counsel of both the parties submit that the matter had already been decided by the Apex Court in Umma Devi's case (Supra). Such being the situation, the competent authority may consider the relaxation of upper age limit of the petitioners to the extend of the period they have rendered their services as contract Ward Attendants.

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