
(2006) 03 GAU CK 0064
In the Gauhati High Court

N.Amumacha Singh and Ors.

APPELLANT

Vs

State of Manipur and Anr.

RESPONDENT

Date of Decision : 06-03-2006

Acts Referred:

Citation : (2006) 03 GAU CK 0064

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

Bench : Single Bench

Advocate : Ksh.Harichhaya Devi, Jalal Uddin, Advocates appearing for Parties

Judgement

1. Heard Ms. Ksh. Harichhaya Devi, learned counsel appearing on behalf of the petitioners as well as Md. Jalal Uddin, learned G.A. appearing for the respondents 1 and 2.

2. The case of the petitioners is simple and short. The petitioner No.1, Shri N. Amumacha Singh, was initially appointed as Lecturer in the T.T. College, Govt. of Manipur on ad hoc basis for a period of one year w.e.f. the date on which he took over charge of the post or till the post is filled on regular basis, whichever is earlier vide order dated 11.9.1972 against the post created vide order dated 23.6.1972, a copy of the said appointment order is available at AnnexureA/1 to the writ petition. Again, the petitioner no.2, Smt. Ak. Surodhoni Devi, was initially appointed as Lecturer vide order dated 7.10.1982 on ac hoc basis, a copy of which is available at Annexure A/2 in the present writ petition. It is also the case of the petitioners that their term of ad hoc appointments had been extended from time to time. Copies of the competent authority for extension of the term of ad hoc appointment of the petitioners are available at AnnexureA/4(colly) and AnnexureA/5 respectively. Ultimately, when the petitioners are serving on ad hoc basis, the Government issued an order being No.5/3/86S/SE(I) Imphal the 21st November, 1986 (AnnexureA/6 to the writ petition) for regularizing the ad hoc services of the petitioners and 24 others w.e.f. 24.5.1986. In the order of the Government of Manipur dated 21.11.1986, names of the petitioners appear at sl.no.1 and 5 respectively. In the case of

2(two) Lecturers, namely W. Bijoya Devi and M. Mema Devi, whose names appear at Sl. No.2 and 3 respectively in the said orders of the Government of Manipur dated 21.11.1986 under which the ad hoc services of the petitioners and others had been regularized w.e.f. 24.5.86, the Government issued orders being No.5/3/86S/SE (III), Imphal the 20th May, 1987 for regularizing the ad hoc services of Smt. W. Bijoya Devi w.e.f. 1.4.1980 to 23.5.1986 and the order No.7 (2)/15/2003S/HE, Imphal the 7th March, 2005 for regularizing the ad hoc service of Smt. M. Memma Devi w.e.f. 11.9.1972 to 23.5.1986.

3. From the perusal of the records, it appears that in the case of the said 2(two) lecturers whose ad hoc services were regularized under the same regularization order dated 21.11.1986, the Government of Manipur had already issued the said two different orders dated 20.5.1987 and 7.3.2005 for regularizing their ad hoc services from the date of their initial ad hoc appointment for the purpose of counting only for pensionary benefits. Taking into consideration of the peculiar facts and circumstances of the present case, this court passed an order dated 3.2.2006 in the present writ petition directing the learned Govt. Advocate to take necessary instructions as to why the partial treatment has been meted out to the present petitioners and in case of failure to take the necessary instructions, appropriate order will be passed on the materials available on record. Accordingly this case has been taken up for hearing today. Today also no material has been placed by the learned Govt. Advocate as to why the partial treatment has been meted out to the petitioners in the matter of regularization of their ad hoc services. From the materials available on record, it appears that since the Government of Manipur had already issued the said orders dated 20.5.1987 and 7.3.2005 respectively for regularizing the ad hoc services of those two lecturers, i.e. Smt. W. Bijoya Devi and Smt. M. Memma Devi, whose ad hoc services were regularized along with the present writ petitioners under the same regularization order dated 21.11.1986, this court is of the considered view that the present writ petitioners should also be treated equally with the said 2(two) lecturers, i.e. Smt. W. Bijoya Devi and Smt. M. Memma Devi.

4. For the reasons discussed above, the learned counsel appearing on behalf of the petitioners submits that this court in a number of writ petitions filed by the ad hoc employees had already passed judgment and orders directing the respondents/ concerned authority and State Government to regularize the ad hoc services of the ad hoc employees with effect from the date of their initial appointment only for the purpose of counting qualifying services for the purpose of pension and only for retirement benefits and not for any other purposes and not for seniority. To the contrary, Md. Jalal Uddin, learned G.A. appearing for the respondents refers to the decision of the Apex Court in Mahendra L. Jain & ors Vrs Indoor Development Authority & ors: AIR 2005 SC 1252. This court is of the considered view that the decision of the Apex Court in Mahendra L. Jain & Ors (Supra) will not help the case of the respondents in the facts and circumstances of the present case discussed above and also that in the case of the present petitioners, their ad hoc services had already been regularized under the said

order of the Government dated 21.11.1986.

5. In view of the above discussions, this writ petition is disposed of by directing the respondents to issue orders similar to the orders dated 20.5.1987 issued in respect of Smt. W. Bijoya Devi and order dated 7.3.2005 issued in respect of Smt. M. Memma Devi in favour of the petitioners. In other words, the ad hoc services of the petitioner no.1 w.e.f. 11.9.1972 to 23.5.1986 and w.e.f. 7.10.1982 to 23.5.1986 in the case of the petitioner no.2 shall be counted in calculating the qualifying services of the petitioners for the purpose of pension and retirement benefits and not for seniority and other purposes.

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