
(2006) 01 GAU CK 0072
In the Gauhati High Court

Th.Ibetombi Devi

APPELLANT

Vs

State of Manipur and Anr.

RESPONDENT

Date of Decision : 30-01-2006

Acts Referred:

Citation : (2006) 01 GAU CK 0072

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

Bench : Single Bench

Advocate : Th.Ibohal Singh, Ksh.Harichhaya Devi, Advocates appearing for Parties

Judgement

1. Heard Ms. Harichhaya, learned counsel appearing for the petitioner as well as Mr. Th. Ibohal Singh, learned G.A. appearing for the respondents.

2. Taking into consideration of the prayers made in the present writ petition this writ petition is being disposed of at this stage.

3. The short factual panorama of the petitioners' case is that the petitioner is qualified to be appointed as lecturer in the Govt. College and she was appointed as lecturer in Education in the PGT College, Imphal on ad hoc basis for a period of six months or till the post is filled up on regular basis whichever is earlier under the order of the Govt. of Manipur dated 13.2.1979, a copy of which is available at AnnexureA/1 to the present writ petition. It is said that the terms of ad hoc appointment of the petitioner had been extended from time to time under different orders issued by the competent authority of the Govt. of Manipur. The extension orders are available at AnnexuresA/2(Colly) in the present writ petition. As such, the petitioner has been serving continuously as ad hoc lecturer without any break till her ad hoc services as lecturer were regularized by an order of the Government of Manipur being No. 5/3/86S/SE (I) dated 23rd January, 1987 w.e.f. 24.5.1986, a copy of which is available at AnnexureA/3 to the present writ petition.

4. The petitioner is aggrieved by disallowing the continuous period of ad hoc

services w.e.f. 13.2.1979 to 23.5.1986 for computing as qualifying services for pensionary benefits. However, it is submitted that in respect of other similarly situated ad hoc teachers whose services had also been subsequently regularized by different orders of the Govt. of Manipur, the Govt. of Manipur had already issued different orders for taking into consideration of their ad hoc services for counting as qualifying services for their pensionary purposes, some of the orders are annexed in the present writ petition and one of which is the order of the Governor of Manipur being No. 7(2)/15/2003S/HE, Imphal dated the 7th March, 2005 which reads as follows:

?GOVERNMENT OF MANIPUR

SECRETARIAT: HIGHER EDUCATION

DEPTT.

ORDERS BY THE GOVERNOR: MANIPUR

Imphal, dated the 7th March, 2005

No.7 (2)/15/2003S/HE: In pursuance of the Para 2(ii) of the DP's O.M. No. 23/15/90 DP(Pt) dated 5th July, 2003, the Governor of Manipur is pleased to order that the service rendered by Smt. M. Memma Devi, Lecturer (SG), DMC of Teacher's Education from 11.09.1972 to 23.05.1986 as Lecturer on adhoc basis, shall be counted as qualifying service for the purpose of pension.

This is issued in consultation with the Deptt. of Personnel.

By order & in the name of the Governor,

Sd/(Lalkimi)

Under Secretary (Hr.Edn):Govt. of Manipur?

5. The learned counsel for the petitioner strenuously submits that the Government of Manipur had meted out a partial treatment to the petitioner.

6. Taking into consideration of the submissions of the learned counsel of both the parties and on perusal of the records, more particularly the order of the Governor of Manipur quoted above in entirety, this court is of the considered of the view that this writ petition could be disposed of with a direction. Accordingly, this writ petition is disposed of by directing the respondents to count the continuous ad hoc services of the petitioner from 13.2.1979 to 23.5.1986 as qualifying services for the purpose of pensionary benefits.

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