
(2006) 02 GAU CK 0056
In the Gauhati High Court

Thoudam Chandrabir Singh

APPELLANT

Vs

State of Manipur and Ors.

RESPONDENT

Date of Decision : 02-02-2006

Acts Referred:

Citation : (2006) 02 GAU CK 0056

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

Bench : Single Bench

Advocate : Niranjana Ghosh, I.Lalit Kumar Singh, Ch.Bidyamani Devi, Advocates appearing for Parties

Judgement

1. Heard Mr. Lalitkumar, learned senior counsel assisted by Mr. Niranjana, learned counsel for the petitioner as well as Mrs. Ch. Bidyamani Devi, learned GA for respondent Nos. 1, 2, 3 and 4.

2. The fact, stated in short, of the petitioner's case is that the petitioner was initially appointed as Assistant Director (Mass Media) in the State Family Welfare Department, Government of Manipur on ad hoc basis w.e.f. the date he assumed charge of the post up to 28.2.1981, copy of which is available at AnnexureA/1 to the present writ petition. It is also case of the petitioner that the term of ad hoc appointment as Assistant Director, Mass Media had been extended from time to time without any break and some of the extension orders are available at Annexures 4, 6 and 7 respectively in the present writ petition. Ultimately service of the petitioner as Assistant Director (Mass Media) had been regularized under the order of the Government of Manipur being No. 1/10/80 M(S) Pt dated 26.6.1990, copy of which is available at AnnexureA/12 to the present writ petition. According to the said order of Government of Manipur for regularizing the ad hoc service of the petitioner, the service of the petitioner is regularized as Assistant Director, Mass Media from w.e.f. 24.5.1986 and thereby denying the long and continuous service as Assistant Director (Mass Media) w.e.f. 5.12.80 to 23.5.1986 even for counting qualifying service for pensionary and other retirement benefits.

3. It is also case of the petitioner that the Government of Manipur in the case of other ad hoc employees who are similarly situated with the present petitioner had already issued different orders to the effect that the long and continuous ad hoc service shall be counted for calculating pensionary benefits and retiral benefits and not for seniority purposes. It is also said that this court in a number of writ petitions filed by the ad hoc employees had passed judgment and order to the effect that the long and continuous service of the ad hoc employees shall be considered for the purpose of counting qualifying service for pensionary and other retiral benefits but not for seniority purposes.

4. Taking into consideration of the submission of learned senior counsel for the petitioner and also on perusal of the materials available on record, this Court is of the considered view that this writ petition could be disposed of with a simple direction.

5. Accordingly, this writ petition is disposed of with the direction to the respondents to count the continuous and long ad hoc service of the petitioner as Assistant Director (Mass Media) w.e.f. 5.12.1980 to 23.5.1986 in calculating the qualifying service for pensionary benefit and also for retiral benefits if there be continuity in service but not for seniority purposes. The respondent Government has to issue necessary orders within 4 (four) months from the date of receipt of this judgment and order.

With the above observation and direction, this writ petition is allowed.