
(2006) 04 GAU CK 0044
In the Gauhati High Court

Tongbram Gunachandra Singh

APPELLANT

Vs

State of Manipur and Anr.

RESPONDENT

Date of Decision : 03-04-2006

Acts Referred:

Citation : (2006) 04 GAU CK 0044

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

Bench : Single Bench

Advocate : Th.Ibohal Singh, M.Rajen, Advocates appearing for Parties

Judgement

1. Heard Mr.M.Rajen, learned counsel for the petitioner as well as Mr.Th.Ibohal, learned GA for the respondents.

[2] The short factual matrix of the petitioner's case is that the petitioner was eligible for appointment as V.E.W in the department of Agriculture, Government of Manipur. He was appointed as VEW against the post created vide order No.AGM1/129(B) VolXII (Pt) dated 22.2.1991 on ad hoc basis for a period of 6 (six) months w.e.f. the date he joined duty or till the post is filled up on regular basis or whichever is earlier, issued by the Director of Agriculture, Government of Manipur dated 22.2.1991, copy of which is available at AnnexureA/1 to the present writ petition.

[3] It is also said that the term of ad hoc appointment of the petitioner as VEW had been extended from time to time under different orders of the competent authority. The portion of extension orders are mentioned in para no.3 of the present writ petition.

[4] The learned counsel for the petitioner also frankly submits that there are 2/3 days gap at the time of extension of the term of ad hoc appointment of the petitioner. But by subsequent order/office circular issued by the Government of Manipur dated 22.12.1992 the gap of 2/3 days in extending the term of ad hoc appointment of the petitioner had been condoned. Copy of the order dated 22.12.1992 is available at AnnexureA/7 to the present writ petition.

[5] On the recommendation of the ClassIII Special DPC held on 18.4.1994 the ad hoc appointment of the petitioner had been regularized under the order of Director of Agriculture dated 26.5.1994, copy of which is available at AnnexureA/6 to the present writ petition. But the said regularization order dated 25.5.1994 was only with immediate effect, and, such being the situation, the long and continuous ad hoc service of the petitioner w.e.f. 22.2.1991 to 25.5.1994 had not been considered for counting qualifying service for pension and other pensionary benefits. Such being the situation, the petitioner filed the present writ petition.

[6] In order to substantiate case of the petitioner, learned counsel for the petitioner pressed earlier decisions of this court dated 14.12.1999 passed in WP(c) No.1588 of 1999 and order dated 29.8.2001 passed in WP(c) No.1468 of 2000 into service, copies of which are available at AnnexuresA/8 and A/9 respectively to the present writ petition. From careful perusal of the same, it appears this court had passed the said orders directing the respondents to regularize the period of ad hoc service of ad hoc employees before their regularization for the purpose of counting qualifying service for pensionary benefit and other retiral benefits.

[7] Taking into consideration of the earlier orders of this Court as well as perusal of the case of the petitioner in the present writ petition, this court has no hesitation to come to the conclusion that the petitioner is entitled to the similar relief granted by this court in the earlier writ petitions.

[8] Accordingly, this writ petition is disposed of by directing the respondents to regularize the ad hoc service of the petitioner as VEW from 22.2.1991 to 25.5.1994 for the purpose of counting qualifying service and other retiral benefits. Respondents are, further, directed to issue necessary orders in this regard as expeditiously as possible, preferably within three months from the date of receipt of certified copy of this judgment and order.

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