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**(2006) 07 GAU CK 0044**  
**In the Gauhati High Court**

Yengkhom Angada Singh

APPELLANT

Vs

State of Manipur

RESPONDENT

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**Date of Decision :** 26-07-2006

**Acts Referred:**

**Citation :** (2006) 07 GAU CK 0044

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

**Bench :** Single Bench

**Advocate :** S.Nepolean Singh, L.Sharat Sharma, Advocates appearing for Parties

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## Judgement

1. Heard Mr.L.Sharat Sharma, learned counsel for the petitioner as well as Mr.Nepolean, learned GA for respondent nos.1 and 2.

[2] The petitioner is the father of late Y.Sanayaima Singh who died on 14.10.2005 at his residence due to illness. Copy of the dead certificate issued by the Registrar of Birth & Death, Kakching, Manipur in respect of late Y.Sanayaima Singh is also available at AnnexureA/1 to the present writ petition.

[3] According to the petitioner, petitioner's son late Y.Sanayaima Singh was appointed as Assistant Science Supervisor on ad hoc basis vide order being No.2/13/90ED(S)Pt dated 16.12.1996 upto the end of February, 1997 and posted him in the office of the ZEO, Kakching. It is said that the term of ad hoc appointment of the petitioner's son late Y.Sanayaima Singh as Assistant Science Supervisor had been extended from time to time by different orders of the Director, Education (S), Government of Manipur, viz: 3.3.1997, 18.3.1997, 11.7.1997, 4.9.1997, 8.12.1997, 4.3.1998, 6.6.1998, 11.9.1998, 7.12.1998, 17.3.1999, 24.4.2000 and 4.8.2000. Copies of the said orders issued by the Director of Education (S), Government of Manipur are available at AnnexuresA/3 to A/14 respectively to the present writ petition.

[4] Under the said order of the Director of Education (S), Government of Manipur dated 4.8.2000 (AnnexureA/14) the term of ad hoc appointment of the petitioner's son as Assistant Science Supervisor had been extended upto the end

of 30.9.2000. While the petitioner's son, Shri Y.Sanayaima Singh was serving as ad hoc Assistant Science Supervisor whose ad hoc appointment had been extended up to 30.9.2000 had approached this court by filing WP(C) No.1691 of 1999 against the present respondents. The said WP(C) No.1691 of 1999 had been finally disposed of by passing final judgment and order dated 25.1.2000 with the observation and direction that:

? In the result, this writ petition is disposed of with the direction that if the petitioner, as contended by him, is continuing in the service till date, let him continue until this post held by him is filled up on regular basis.

Necessary orders of extension shall be issued by the competent authority.?

Copy of the earlier judgment and order of this court dated 25.1.2000 passed in WP(C) No.1691 of 1999 is available at AnnexureA/15 to the present writ petition.

[5] The learned counsel appearing for the petitioner submits that from the said order of the Director, Education (S), Government of Manipur dated 4.8.2000, it is crystal clear that the petitioner's son Shri Y.Sanayaima Singh was very much in service as Assistant Science Supervisor since the term of ad hoc appointment had been extended up to 30.9.2000 at the time of passing the earlier judgment and order of this court dated 25.1.2000 in WP(C) No.1691 of 1999. And it is said that since the service of the petitioner's son Y.Sanayaima Singh as Assistant Science Supervisor had been protected under the said earlier judgment and order of this court dated 25.1.2000 he was continuing to serve as such on ad hoc basis till he died on 14.10.2005 and also as the Government had not taken any step for filling up the post of Assistant Science Supervisor against which the petitioner's son was appointed on regular basis.

[6] Even if the petitioner's son was serving as Assistant Science Supervisor in the facts and circumstances mentioned above on ad hoc basis continuously without any break till he died on 14.10.2005, his pay and allowances from the month of October, 2000 to September, 2005 was not paid. And having no alternative the petitioner approached this court by filing the present writ petition for a direction to the respondents to issue necessary extension orders for extending the term of ad hoc appointment of the petitioner as Assistant Science Supervisor up to 14.10.2005 in pursuance of the earlier judgment and order of this court dated 25.1.2000 passed in WP(c) No.1691 of 1999 and also to pay the pay and allowances for utilizing the service of the petitioner's son as Assistant Science Supervisor from 1.10.2000 to 30.9.2005.

[7] Having regard to the facts and circumstances discussed above and also perusal of the earlier judgment and order of this court dated 25.1.2000 passed in WP(C) No.1691 of 1999, this writ petition is disposed of by directing the Commissioner/Secretary, Education (S), Government of Manipur to hold an inquiry as to whether the petitioner's son Shri Y.Sanayaima Singh had rendered his service as Assistant Science Supervisor from 1.10.2000 to 30.9.2005 and in case, he was found to have rendered service as Assistant Science Supervisor, the

pay and allowances should be paid for the period he had rendered services.

[8] It is made clear that the whole exercise should be completed within 5 (five) months from the date of receipt of the judgment and order of this court. To the extent mentioned above, writ petition is allowed. Parties are to bear their own costs.