

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 78 of 2020 with
WP(C) No. 79 of 2020
WP(C) No. 80 of 2020
WP(C) No. 81 of 2020
WP(C) No. 82 of 2020
WP(C) No. 83 of 2020
WP(C) No. 84 of 2020
WP(C) No. 85 of 2020
WP(C) No. 86 of 2020

Date of Decision: 28.03.2023

Shri Paul Lyngdoh Nonglait	Vs.	State of Meghalaya & Ors.
Shri Artones Lyngdoh	Vs.	State of Meghalaya & Ors.
Smti Ephilinda Lyngdoh Mawnai	Vs.	State of Meghalaya & Ors.
Smti Bunsity Lyngkhoi	Vs.	State of Meghalaya & Ors.
Smti Saradadeihun K. Buki	Vs.	State of Meghalaya & Ors.
Shri Rockcliff John Nongrum	Vs.	State of Meghalaya & Ors.
Smti Simple Marbaniang	Vs.	State of Meghalaya & Ors.
Smti Listina Basaiawmoit	Vs.	State of Meghalaya & Ors.
Smti Iamonlang Marbaniang	Vs.	State of Meghalaya & Ors.

Coram:

Hon'ble Mr. Justice H. S. Thangkhiew, Judge

Appearance:

For the Petitioner(s) : Mr. R. Gurung, Adv.
Ms. A.A. Sangma, Adv.

For the Respondent(s) : Ms. S. Bhattacharjee, GA

i)	Whether approved for reporting in Law journals etc:	Yes/No
ii)	Whether approved for publication in press:	Yes/No

JUDGMENT AND ORDER

1. These writ petitions being similar and based on identical facts, are being disposed by this common Judgment and Order.

2. The facts in brief are that the writ petitioners were appointed in Grade-IV posts temporarily in different Community Health Centres and Primary Health Centres in West Khasi Hills, Meghalaya, as detailed in the table below.

<i>Sl. No</i>	<i>Name & Designation</i>	<i>Appointment letter No. & Date</i>	<i>Place of Posting</i>	<i>Last renewal</i>
<i>1.</i>	<i>Shri Paul Lyngdoh Nonglait, Handyman</i>	<i>No. NST/I-7/ 2014-15/3014, Dt. 19.06.2014</i>	<i>Nongstoin CHC</i>	<i>15.07.2017</i>
<i>2.</i>	<i>Shri Artones Lyngdoh, Cook</i>	<i>No. NST/I-7/ 2013-14/8708, Dt. 05.12.2013</i>	<i>Laitdom PHC</i>	<i>16.10.2018</i>
<i>3.</i>	<i>Smti Ephilinda L. Mawnai, Ward Attendant (Compassionate Ground)</i>	<i>No. NST/I-7/ 2013-14/8624, Dt. 03.12.2013</i>	<i>Laitdom PHC</i>	<i>21.06.2017</i>
<i>4.</i>	<i>Smti Bunsity Lyngkhai, Ward Girl</i>	<i>No. NST/I-7/ 2012-13/5113, Dt. 27.08.2013</i>	<i>Mawkyrwat CHC</i>	<i>17.06.2017</i>
<i>5.</i>	<i>Smti Saradadeihun K. Buki, Peon</i>	<i>No. NST/I-7/ 2013-14/7407, Dt. 04.11.2013</i>	<i>Mawthawpdah PHC</i>	<i>31.05.2017</i>
<i>6.</i>	<i>Shri Rock Cliff John Nongrum, Ward Attendant</i>	<i>No. NST/I-7/ 2012/532, Dt. 01.04.2013</i>	<i>Mairang CHC</i>	<i>19.10.2018</i>
<i>7.</i>	<i>Smti Simple Marbaniang, Stretcher Bearer</i>	<i>No. NST/I-7/ 2012-13/3713, Dt. 5.07.2013</i>	<i>Mairang CHC</i>	<i>11.10.2017</i>
<i>8.</i>	<i>Smti Listina Basaiawmoit, Ward Girl</i>	<i>No. NST/I-7/ 2012/557, Dt. 02.04.2013</i>	<i>Mairang CHC</i>	<i>07.07.2017</i>
<i>9.</i>	<i>Smti Iamonlang Marbaniang, Stretcher Bearer (Compassionate Ground)</i>	<i>No. NST/I-7/ 2012-13/3583, Dt. 02.07.2013</i>	<i>Mairang CHC</i>	<i>04.08.2017</i>

As can be seen from the table, their appointments were renewed from time to time, but after 2017/18, there was no further renewal. The petitioners being aggrieved with the non-renewal of their temporary/officiating appointments, apart from the allegations that in their place new ad-hoc appointees have been accommodated, are therefore before this Court by way of the instant writ petitions.

3. Mr. R. Gurung, learned counsel for the petitioners while taking up the first writ petition, has argued that the non-renewal of the services of the writ petitioners is based purely on extraneous considerations, inasmuch as, on an earlier occasion, on the non-release of their salaries, the writ petitioner and the other writ petitioners, in all the other connected writ petitions, had approached this Court, which by order dated 15.11.2018, directed the respondents to release the due salary for the period that duties had been discharged. It is submitted, that this resulted in the writ petitioners being targeted for hostile treatment, whereby by the impugned letter dated 19.02.2019, issued by the respondent No. 3, instructions were given to the District Medical & Health Officer, West Khasi Hills District, Nongstoin not to make new appointments, or to renew such appointments, without the approval of the competent authority. The learned counsel contends that the non-renewal of the petitioners' employment is therefore punitive in nature.

4. It has also been further submitted that, after the appointments had been discontinued in the case of the writ petitioners in WP(C) No. 78

of 2020, WP(C) No. 79 of 2020, WP(C) No. 80 of 2020, WP(C) No. 81 of 2020, WP(C) No. 83 of 2020 WP(C) No. 84 of 2020 and WP(C) No. 86 of 2020, fresh ad-hoc appointees have been appointed in the place of the writ petitioners by various orders, ranging from 24.06.2019 to 15.07.2019. This he submits is against all canons of settled law, as an ad-hoc cannot replace another ad-hoc. Submissions have also been made that in the case of two writ petitioners in WP(C) No. 80 of 2020 and WP(C) No. 86 of 2020, whose appointments were on compassionate grounds, their services had also not been renewed. He therefore prays that necessary orders may be passed to set aside the impugned orders and to reinstate the writ petitioners into their posts.

5. Ms. S. Bhattacharjee, learned GA, has submitted that the writ petitioners have no semblance of any right, as the appointments were purely temporary on a 3-month basis, and that having accepted the terms of temporary appointments, the petitioners are estopped from seeking any extension or regularization. With regard to the allegation of one ad-hoc replacing another, it has been submitted that the same were not made in lieu of the writ petitioners, and the private respondents were allowed to officiate in certain posts on being appointed by the competent authority, pending the recommendation of regular staff by the District Selection Committee. Passing submissions have also been made as to the purported negligence of the writ petitioners, in attending to their duties. She finally submits that the

writ petitioners having acquired no vested right, the writ petitions are without any merit and liable to be dismissed.

6. I have heard the learned counsel for the parties.

7. It is noted firstly that the petitioners, whose appointments as per the table detailed in Para 2 above, commenced from 01.04.2013, in the case of writ petitioner in WP(C) 83 of 2020, with the last one made in 19.06.2014, of the writ petitioner in WP(C) No. 78 of 2020, were not renewed after 2017, in the case of 7 writ petitioners, and the 2 others were not renewed after 2018. It is further noted that as submitted, the same writ petitioners herein, had approached this Court for non-release of their pending salaries, wherein this Court observed that the factum of the petitioners working till the year 2017, was supported by renewal orders issued by the concerned respondent, and ordered that for the period that they had been discharging their duties, their salary be released which was accordingly complied with by the respondents.

8. Coming to the impugned letter 19.02.2019, which the petitioners allege, has been the cause for the non-renewal of their services, the same for the sake of convenience is reproduced hereinbelow: -

**“GOVERNMENT OF MEGHALAYA
OFFICE OF THE DIRECTOR OF HEALTH SERVICES (MI)
MEGHALAYA, SHILLONG**

No. HSM/ESTT/NGZT/CC/DIST/31/32408, Dated Shillong, the 19/2/2019

**From : The Director of Health Services (MI)
 Meghalaya, Shillong**

To,

**The District Medical & Health Officer,
West Khasi Hills, Nongstoin.**

Sub : Judgment and Order dated 15.11.2018

Sir,

In continuation of this Directorate's letter No. HSM/ESTT/NGZT/CC/DIST/31, dated 19/2/2019 I request you to comply to the court order dated 15.11.2018 thereby releasing their pay and allowances only for the periods as per the appointment orders issued. Further, you are hereby instructed that no new appointments/renewal of Service will be made without prior approval from the Competent Authority.

This is for your information and necessary action.

**Yours faithfully,
Sd/-**

**Director of Health Services (MI)
Meghalaya, Shillong"**

A perusal of the letter in the opinion of this Court, does not support the contentions of the writ petitioners, inasmuch as, apart from directing for compliance of the order of this Court dated 15.11.2018, it only further gives instructions to the concerned District Medical & Health Officer, that any new appointment or renewal of service, was to be done only with the approval from the competent authority i.e. the respondent No. 3 herein (Director of Health Services, MI). This to the mind of the Court, is because all the temporary appointments of the writ petitioners had been done at the District level by the District Medical & Health Officer.

9. On the other aspect, i.e. the allegation that the writ petitioners had been replaced by fresh adhoc appointees; on examination of the writ petitions, it is revealed that the writ petitioners in WP(C) No. 80 of 2020 and WP(C) No. 83 of 2020 have both assailed the same

appointment order No. HSM/ESTT/NGZT/WKH/Offtng/65/18/10292, dated 15.07.2019 appointing one Smti Telbi Ryntathiang in their place. Similarly, in WP(C) No. 84 of 2020 and WP(C) No. 86 of 2020, the writ petitioners have assailed the same appointment order being No. HSM/ESTT/NGZT/WKH/Offtng/65/18/10285, dated 15.07.2019 appointing one Shri Bonyfast Wahlang in their place. In WP(C) No. 82 of 2020, however, no such allegation has been made that any ad-hoc appointment in place of the petitioner has taken place. The fact that these appointments have been made in 2019, after a considerable period of time had lapsed after the expiry of the terms of the writ petitioners' appointments cannot be ignored, as also the fact that no concrete nexus has been shown by the writ petitioners to substantiate their stand, inasmuch as, in 4 of the writ petitions mentioned above, common challenge has been made to orders of appointment of 2 persons. With the efflux of time, however, any glimmer of vested right for continuation in the said posts, on this point raised by the writ petitioners, to the mind of the Court, has also been extinguished and become nonexistent.

10. From the affidavit it has been seen that the respondents have also made a reference to the deficiencies in the discharge of duties in the case of the writ petitioners in WP(C) No. 78 of 2020, WP(C) No. 79 of 2020, WP(C) No. 81 of 2020, WP(C) No. 83 of 2020 and WP(C) No. 84 of 2020, but this passing reference will not amount to the accrual of any right

by the writ the petitioners, to demand for a hearing on the non-renewal of their services, inasmuch as, there are no orders that spell out that the reason for dis-continuance, is strictly due to their negligence to duties, nor have the writ petitioners pleaded or taken up this issue in the main writ petition.

11. On the last point advanced that is that appointments made on compassionate grounds were also discontinued, it is observed that any appointment made de hors a scheme or policy, will in no manner cloak the beneficiaries with any right to continuance of ad-hoc appointment, more so, with the compassionate scheme for appointment being discontinued in the State of Meghalaya since 2010.

12. Accordingly, in view of the facts and circumstances of the case and as the purely ad-hoc appointments of the writ petitioners having not been renewed after 2017-2018, no case has been made out for any interference and all the writ petitions stand dismissed.

13. There shall however be no order as to costs.

JUDGE

Meghalaya
28.03.2023
"V. Lyndem-PS"