

Serial No. 01
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 150 of 2023

Date of Decision: 18.08.2023

Shri Hemon R. Marak & Ors. Vs. State of Meghalaya & Ors.

Coram:

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

Appearance:

For the Petitioner(s) : Mr. P.T. Sangma, Adv.

For the Respondent(s) : Mr. K.P. Bhattacharjee, GA with
Ms. I. Lyngwa, GA

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

JUDGMENT AND ORDER (ORAL)

1. Heard Mr. P.T. Sangma, learned counsel for the petitioners. Also heard Mr. K.P. Bhattacharjee, learned GA for the State respondents.

2. The writ petitioners by way of the instant application are seeking a mandamus for implementation of *The Meghalaya Regular Casual Workers Scheme, 1996*, with regard to their services rendered while being engaged in the Meghalaya Civil Task Force.

3. The petitioners Nos. 1 to 19 are retired employees and Nos. 20 to 25 are the wives and daughters/legal representative of the deceased persons, who were engaged as casual employees in the Meghalaya Civil Task Force.

4. Though the petitioners have retired and many have deceased, it has been contended on behalf of the petitioners that no retirement benefits have been accorded to them, in spite of long years in service. As such, it is contended that the respondents are liable to be directed to consider the services rendered by them in the Meghalaya Civil Task Force, and for grant of suitable pensionary benefits as admissible. It has been further contended that in this aspect, *The Meghalaya Regular Casual Workers Scheme, 1996* should be made applicable to enable the petitioners to avail of any benefits that may accrue to them.

5. Mr. K.P. Bhattacharjee, learned GA for the State respondents has submitted that the case of the petitioners will not fall within the Scheme, inasmuch as, they were recruited in volunteering for service under the *Meghalaya Civil Task Force, Act, 1974*. The

enrollment and remuneration as permissible, has been provided under Section 4 of the said Act. As such, he submits no case has been made out for grant of the relief as prayed for consideration of their service under the RCW Scheme. As such he submits the writ petition is liable to be dismissed.

6. Heard learned counsels for the parties and examined the materials on record. It is noted that the writ petitioners and the deceased employees were appointed as pioneers in the Meghalaya Civil Task Force, and are governed by the conditions of service as given therein. Though a case has sought to be made out with regard to the applicability of *The Meghalaya Regular Casual Workers Scheme, 1996*, it is noted that the same will not be applicable in view of the fact that the same applies to persons who were appointed purely on casual basis and not under any Act or a Scheme, as is the case of the petitioners.

7. In this view of the matter no case has been made out for grant of any relief and the same is accordingly dismissed. However, no order as to costs.

JUDGE

Meghalaya
18.08.2023
"V. Lyndem-PS"