

**HIGH COURT OF MEGHALAYA**  
**AT SHILLONG**

WA No.32/2023

Date of order: 19.09.2023

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San Bahadur Chettri vs. State of Meghalaya & anr

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**Coram:**

**Hon'ble Mr. Justice Sanjib Banerjee, Chief Justice**

**Hon'ble Mr. Justice B. Bhattacharjee, Judge**

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**Appearance:**

For the Appellant : Mr. A.S. Siddiqui, Sr.Adv with  
Ms. A. Kharmyndai, Adv

For the Respondents : Mrs. T. Yangi B., AAG with  
Mr. A.H. Kharwanlang, Addl.Sr.GA

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**ORDER: (per the Hon'ble, the Chief Justice) (Oral)**

The appeal is directed against an order of August 9, 2023 by which the appellant's petition under Article 226 of the Constitution was dismissed on the ground that no case had been made out for considering the previous tenure of the appellant as a casual employee for the purpose of reckoning his retiral benefits.

2. The facts are not in dispute. The appellant was appointed on a casual basis to discharge the duties of a chowkidar in the Meghalaya Secretariat on March 1, 1982. On April 26, 1996, the appellant was appointed as a peon on a regular pay scale. The appellant retired in 2022

and it was only at the time of retirement or thereafter that the appellant sought his previous tenure as a casual employee to be taken into account for the purpose of considering his retiral benefits.

3. Upon the respondent authorities declining the appellant's prayer, the writ petition came to be filed.

4. By the impugned judgment and order, the writ court found that the appellant had been appointed on a casual basis, though on a regular time scale of pay, in 1982 but no order of appointment or engagement was available. Thus, the writ court was not in a position to gauge the terms of the appellant's initial engagement.

5. It further appears that when the appellant was appointed as a peon, nothing in the letter of appointment referred to the appellant's previous engagement to discharge the duties of a chowkidar on a casual basis. If the appellant had any right or had asserted such right at such stage, that would have been understandable; but the appellant accepted the appointment as peon without any benefits pertaining to the period that he spent in the previous casual engagement. It was only at the time of retirement or thereafter that the appellant sought to rake up the issue.

6. Since the appellant cannot cite any rules that provide for consideration of the period served on a casual basis prior to being properly appointed in a department under the State for the purpose of calculating the retiral benefits, there does not appear to be any right of the kind that the appellant asserts. It may appear to be somewhat of an anomaly that a person spent the better part of his life in service but only a small part of service is reckoned for the purpose of retirement. However, the appellant may consider himself lucky that he held on to his casual appointment for a period of 14 years, though the engagement at such stage was open to termination at any time.

7. Since there are no clear rights that the appellant can demonstrate and the appellant had not raised the issue at the time of the appellant's engagement as a peon in 1996, this belated attempt to obtain the benefit of the previous casual employment being considered for the purpose of the retiral benefits of the appellant cannot be countenanced.

8. Accordingly, the appeal fails. There is no infirmity in the judgment and order impugned.

9. WA No.32 of 2023 is disposed of as above.

10. There will, however, be no order as to costs.

**(B. Bhattacharjee)**  
**Judge**

**(Sanjib Banerjee)**  
**Chief Justice**

Meghalaya

19.09.2023

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