

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 424 of 2019

Date of Order: 15.09.2023

Shri Iajeidlang Rynjah

Vs.

Union of India & Ors.

Coram:

Hon'ble Mr. Justice B. Bhattacharjee, Judge

Appearance:

For the Petitioner/Appellant(s) :

Mr. N. Syngkon, Adv.

For the Respondent(s) :

Dr. N. Mozika, Sr. Adv. with

Ms. A. Pradhan, Adv.

ORDER

1. Heard Mr. N. Syngkon, learned counsel for the petitioner. Also heard Dr. N. Mozika, learned Sr. counsel appearing for the respondent. By this application the petitioner mainly puts a challenge to the order bearing No. NEIGR.EI/77/2006/Pt. dated, Shillong the 03.09.2019 and letter No. NEIGR-GAD/1/2017, dated 23.09.2019, by which the petitioner was released from service upon completion of his tenure of contract service as a Technical Assistant in Anatomy Department of the respondent's Institution.

2. During the course of hearing of the matter, the learned counsel for the petitioner somehow curtailed this challenge with regard to the aforesaid impugned letter but raised grievance against the order No.

NEIGR-GAD/1/2017/42, dated Shillong the 02.07.2019, by which appointment on contract basis in the institute was ordered to be made through outsourcing. Learned counsel submits that the said order is not in accordance with law and the respondent authority cannot do the contractual appointment by outsourcing their authority.

3. Dr. N. Mozika, learned Sr. counsel appearing for the respondent submits that the post held by the petitioner stood abolished in terms of office memorandum dated 12.06.2017, issued by the Ministry of Finance Department Expenditure, Govt. of India, in which at Clause 5.1, it was provided that all posts, except newly created posts, kept in abeyance or remaining vacant for a period of more than two years in the ministry/ department/ attached office/ subordinate office/ statutory body will be considered as “*deemed abolished*”. He further submits that the post abolished cannot be filled up without obtaining prior revival of post from the Department of Expenditures. The learned Sr. counsel also produces a communication made bearing No. NEIGR-GAD (RC)/08/2022/Pt. dated Shillong the 26.06.2023, whereby, a proposal for revival of deemed abolished Group-C posts in NEIGRIHMS was made by the Deputy Director Administration, NEIGRIHMS, Shillong. The said proposal also includes the post which was held by the petitioner. It is submitted by the learned Sr. counsel that in the event the proposal for revival is accepted and the post in question is required to be filled up, the same will be done by a regular advertisement and selection process.

4. Mr. Syngkon, learned counsel for the petitioner in his usual frankness submits that in the event the post in question is filled up in future by adopting a regular process, the petitioner would not have any

further grievance to be redressed in this matter. He however, he prays that in the event if any advertisement is made, the petitioner's case for age relaxation may be considered by the department.

5. In view of the submissions made, there survives nothing to be adjudicated by this Court. However, in the event of any advertisement made with regard to the post in question, the department would be at liberty to consider the claim of age relaxation by the petitioner in case he offers himself to be a candidate.

6. With the aforesaid submissions, this writ petition is accordingly disposed of.

Meghalaya
15.09.2023
"N.Swer, Stenographer, Gr-II"



Judge