

Serial No.06
Supp. List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C). No. 527 of 2022

Date of Order :09.08.2023

Shri. San Bahadur Chettri

Vs. State of Meghalaya & Anr.

Coram:

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

Appearance:

For the Petitioner/Applicant(s) : Mr. A.S.Siddiqui, Sr. Adv. with
Ms. C.Rapsang, Adv.
Mr. D.Hynniewta, Adv.

For the Respondent(s) : Mr. A.H.Kharwanlang, Addl.Sr.GA
Ms. A.Thungwa, 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 |

(ORAL)

1. The writ petitioner is before this Court with a prayer for considering his past services for the purpose of computation of his service benefits. It is the case of the petitioner that he was appointed as Chowkidar on 01-03-1982, in the Meghalaya Secretariat and thereafter, after serving for a

number of years was regularized vide Office Order dated 26-04-1996 (Annexure-VI) as Peon in the Meghalaya Secretariat on a regular pay scale.

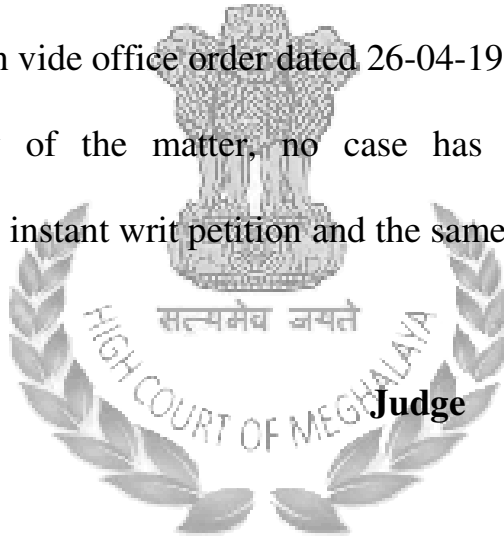
2. Mr. A.S.Siddiqui, learned Sr. counsel assisted by Ms. C.Rapsang, learned counsel for the petitioner submits that the petitioner was appointed on an adhoc basis and not on casual basis, inasmuch as, from the date of appointment, he has been afforded a regular scale of pay and as such, the past services that is for the period from 1982 to 1996 should be counted towards his service and terminal benefits. He however, has not been able to show any materials to substantiate this argument.

3. Mr. A.H.Kharwanlang, learned Addl. Sr. GA for the respondents has drawn the attention of this Court to Annexure-V of the writ petition which has detailed the names of the casual employees who have been recommended by the Selection Committee, wherein the name of the petitioner appears at Sl. 28 and the date of joining is shown as 02-04-1982. He submits that notwithstanding the fact that the petitioner may have been given the pay scale which he disputes, the fact remains that the petitioner was appointed as a casual employee and thereafter, was regularized in 1996, for which all service benefits, as admissible have been allowed.

4. Heard learned counsel for the parties and examined the materials on record. It appears that statements have been made that the petitioner had

been appointed as a Chowkidar on adhoc basis on a regular time scale in 1982, but no materials or even the appointment order is available on record to substantiate this submission. This Court in writ jurisdiction cannot engage into a roving enquiry as to whether the writ petitioner was appointed on adhoc or casual basis, but will have to go by the materials present on record. As submitted by learned Add. Sr. GA at Annexure-V, it is clearly shown that the writ petitioner was a casual employee on the date of joining, as shown therein is 02-04-1982 and also his subsequent appointment as Peon vide office order dated 26-04-1996.

5. In this view of the matter, no case has been made out for consideration in this instant writ petition and the same is dismissed.



Meghalaya
09.08.2023
"Samantha PS"