

GAHC010207352023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/5476/2023

NIGENDRA NAIDING
S/O- SRI SOLENDRA NAIDING, R/O- VILLAGE- BORO LONGLEN, P.S.
HAFLONG, DISTRICT- DIMA HASAO, ASSAM

VERSUS

THE STATE OF ASSAM AND 6 ORS
THROUGH- THE COMMISSIONER AND SECRETARY, TO THE
GOVERNMENT OF ASSAM, IRRIGATION DEPARTMENT, DISPUR,
GUWAHATI- 781006

2:THE CHIEF ENGINEER
IRRIGATION DEPARTMENT
CHANDMARI
GUWAHATI- 781003

3:THE EXECUTIVE ENGINEER
IRRIGATION DEPARTMENT
MAIBONG DIVISION
DISTRICT DIMA HASAO
ASSAM

4:THE PRINCIPAL SECRETARY (T)
AUTONOMOUS DISTRICT COUNCIL
HAFLONG
DISTRICT- DIMA HASAO
ASSAM

5:THE ASSISTANT EXECUTIVE ENGINEER
LANGTING SUB-DIVISION (IRRIGATION)
LANGTING
P.O. LANGTING
DISTRICT- DIMA HASAO
ASSAM

6:THE ASSISTANT EXECUTIVE ENGINEER
MAIBONG MECHANICAL SUB-DIVISION (IRRIGATION)
MAIBONG
DISTRICT- DIMA HASAO
ASSAM

7:THE ASSISTANT EXECUTIVE ENGINEER
MAIBONG MECHANICAL SUB-DIVISION (IRRIGATION)
MAIBONG
DISTRICT- DIMA HASAO
ASSA

Advocate for the Petitioner : MR. R MAJUMDAR

Advocate for the Respondent : SC, IRRIGATION

BEFORE
HON'BLE MR. JUSTICE MICHAEL ZOTHANKHUMA

O R D E R

20.09.2023.

Heard Mr. J.U.N.M. Laskar, learned counsel appearing on behalf of Mr. R. Majumdar, learned counsel for the petitioner, who submits that the petitioner's service as a Work Charge employee had been terminated vide order dated 08.01.1997. He submits that the petitioner being aggrieved, along with other persons had filed Civil Rule No.521/1997.

2. Civil Rule No.521/1997 was disposed of vide order dated 14.11.2002, by directing the respondents to consider the case of the Writ Petitioners for regularization of their services against available vacancies, if they were still in service in accordance with the Office Memorandum dated 30.10.2001. The petitioner's counsel submits that there were 42 writ petitioners in Civil Rule

No.521/1997 and the writ petitioner No.41 in Civil Rule No.521/1997 had also filed one Writ Petition i.e. WP(C) No.489/2000. WP(C) No.489/2000 had been disposed of vide order dated 07.12.2000, by directing the respondents to examine and consider the case of the petitioner therein, for reinstatement into service as a Work Charge Sectional Assistant or equivalent.

3. The petitioner's counsel submits that the petitioner had submitted various representations, the last one being submitted on 19.04.2019, to reinstate the petitioner into service as a Work Charge Sectional Assistant. He accordingly submits that the Writ Petition may be disposed of with a direction to the respondents, to consider the representation of the petitioner dated 19.04.2019.

4. Mr. C. Sharma, learned counsel for the respondents No.3—7 and Ms. D.S. Neog, learned counsel for the respondents No.1—2 submit that the Writ Petition should be dismissed due to delay and laches.

5. I have heard the learned counsels for the parties.

6. As can be seen from the order dated 14.11.2002, passed by this Court, while disposing of the Civil Rule No.521/1997, the State respondents were to consider the case of the petitioners therein, including the writ petitioner herein, for regularization of their service against the available vacancies, if they were still in service. However, as can be seen from the pleadings, the petitioner's service has not been regularized despite the order passed in the year 2002 and no challenge has been made to the order dated 14.11.2002 passed in Civil Rule No.521/1997.

7. The petitioner's prayer in this case and in his representation dated 19.04.2019 is to reinstate him and allow him to work as a Work Charge employee. There is no prayer for regularization of his service. However the fact

remains that the petitioner has not approached this Court for the last more than twenty (20) years and as such, there has been considerable delay and laches in approaching this Court. There is also no reason given by the petitioner as to why he has approached this Court after twenty (20) years.

8. In view of the considerable delay and laches in approaching this Court, this Court is not inclined to exercise its discretionary power in the present case. The Writ Petition is accordingly dismissed.

JUDGE

Comparing Assistant