

GAHC030000192016



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

Case No. : WP(C)/210/2016

J.H. Pawsa
Meisavai West, Saiha District, Mizoram

VERSUS

Mara Autonomous District Council R/b The Executive Secretary and Anr.
MADC, General Administration and Control Department, Saiha District, Mizoram
2:The Executive Secretar

Advocate for the Petitioner : Mr. L H Lianhrima, Sr. Adv.

Advocate for the Respondent : Mr. Saurabh Pradhan for R1 & R2

ORDER

BEFORE
HONOURABLE MR. JUSTICE NELSON SAILO

09.08.2023

Heard Mr. L.H. Lianhrima, learned Senior Counsel assisted by Ms. Ruth Lalruatfeli, learned counsel for the petitioner and Mr. Saurabh Pradhan, learned counsel for the Mara Autonomous District Council (MADC)/respondents.

[2.] The case of the petitioner is that he was selected by the Executive Committee of the MADC to undergo six (6) months training, which had been successfully completed. Thereafter, he was appointed as Computer Operator on Muster Roll

basis with a daily wage of Rs. 105/- vide Officer Order No. 98/2001 dated 23.03.2001. The petitioner was regularized in the said post and he was given the Pay Scale of Rs. 4000-100-6000/- per month with effect from 01.01.2005 as per Office Order No. 136/2005 dated 06.01.2005.

[3.] Thereafter, the Executive Committee of the MADC promoted the petitioner to the post of Head Computer Operator in the pay Scale of Rs. 5000-150-8000/- vide Order dated 01.02.2007 and the petitioner accordingly joined the said post. However, vide Notification dated 30.08.2007, the petitioner was demoted from the post of Head Computer Operator to Computer Operator and being aggrieved, he filed WP(C) No. 23/2014. This Court upon hearing the parties disposed of the Writ Petition vide Judgment & Order dated 14.08.2015 by coming to a finding that the petitioner could not have been demoted in the manner it was done. Accordingly, the impugned Notification dated 30.08.2007, demoting the petitioner was set aside and since by that time, the post of Head Computer Operator had already been abolished, a direction was made to the respondents to take appropriate steps to accommodate the petitioner to any equivalent post of Head Computer Operator, if he is found eligible for the same within a period of three (3) months from the date of receipt of a copy of the Court's Judgment. Besides this, the petitioner was also found to be entitled for arrears with effect from the date of his demotion i.e., 31.08.2007.

[4.] It is the case of the petitioner that pursuant to the said Judgment & Order, although the petitioner has been given his arrear pay since his demotion but he has not been accommodated to a post equivalent to the post of Head Computer Operator and he remains to be in the post of Computer Operator. Therefore, being aggrieved, the petitioner is again before this Court through the instant Writ Petition.

[5.] Mr. L.H. Lianhrima, learned Senior Counsel submits that against the Judgment & Order dated 14.08.2015, the respondents have not filed any appeal or Review Petition and that the decision of this Court has attained its finality. However, despite the same, the respondent authorities have failed to take appropriate steps to accommodate the petitioner to any post which is equivalent to the post of Head Computer Operator and therefore, the respondent authorities may be given appropriate direction to comply with the Judgment of this Court rendered on 14.08.2015.

[6.] Against the Writ Petition, the respondents have filed their counter affidavit and at paragraph No. 9 of the counter affidavit, it is stated that the equivalent post for the post of Head Computer Operator are Computer Grade-III, UDC, Assistant (HA), Assistant Revenue Officer and Assistant Liaison Officer. At paragraph No. 10 of the affidavit, it is stated that steps are being taken for placing the petitioner in the post of Computer Grade - III.

[7.] In view of what has been stated in the counter affidavit, Mr. Saurabh Pradhan, learned counsel appearing for the respondents on 24.07.2023 was asked to obtain instructions from the respondents as to whether the petitioner can be accommodated against any post which is equivalent to the post of Head Computer Operator in terms of the Judgment dated 14.08.2015. Today, Mr. Saurabh Pradhan, learned counsel submits that he has been instructed by the respondents that there is a vacant post of Computer Operator Grade - II, which is at Pay Level-7 and in fact, higher than the Pay Level of UDC. He submits that as per the instructions, the petitioner can be accommodated to the said post if three (3) months time is given. To this submission, the learned Senior Counsel Mr. L.H. Lianhrima, learned Senior Counsel submits that if the respondents are accommodating the petitioner as submitted by the learned counsel for the respondents, the petitioner has no objection to the same.

[8.] In view of above, the Writ Petition is disposed of by directing the respondent authorities concerned to accommodate the petitioner against the post of Computer Operator Grade-II within a period of three (3) months from the date of receipt of a certified copy of this Order.

[9.] Writ petition stands disposed of accordingly.

JUDGE

Comparing Assistant