

Serial No. 37
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 278 of 2023

Date of Decision: 16.04.2024

Shri. Kebito Marak
S/o Nojukhol Sangma
R/o Chibagok, PO & PS Resubelpara
North Garo Hills District, Meghalaya

:::Petitioner

1.The State of Meghalaya represented by the
Commissioner and Secretary, PHE Department
Govt. of Meghalaya, Shillong, East Khasi Hills

2.The Chief Engineer, PHE Department Govt.
of Meghalaya, Shillong, East Khasi Hills

3.Executive Engineer (PHE) RWS, Division:
Resubelpara, North Garo Hills District, Meghalaya

4.Sub-Divisional Officer, (PHE) Bajengdoba,
Sub-Division, North Garo Hills District, Meghalaya

5.The Superintending Engineer (PHE), Simsanggre
Circle, Williamnagar, East Garo Hills District, Meghalaya :::Respondents

Coram:

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

Appearance:

For the Petitioner/Appellant(s) : Mr. P.T. Sangma, Adv.

For the Respondent(s) : Mr. S.A. Sheikh, GA.

i) Whether approved for reporting in Law journals etc.: Yes/No

ii) Whether approved for publication in press: Yes/No

JUDGMENT AND ORDER (ORAL)

1. The writ petitioner before this Court is with a prayer to direct the respondents to allow him to join to the post of Chowkidar, as per the appointment order dated 02.06.2023.

2. Mr. P.T. Sangma, learned counsel for the petitioner submits that the writ petitioner was serving as a muster roll in the Office of the Sub-Divisional Officer, (P.H.E.) Bajengdoba, Sub-Division, North Garo Hills, District, Meghalaya, when he was temporarily appointed against the vacant post of Chowkidar, by order dated 02.06.2023 for a period of 89(eighty-nine) days. However, he submits that though he had joined in the

said post w.e.f. 01.06.2023, he was not allowed to discharge his duties and the joining report was not accepted. He submits that the action of the respondents is arbitrary in denying him to the temporary post of Chowkidar, without any reasons being assigned.

3. Mr. S.A. Sheikh, learned GA appearing for the State respondents has submitted that the appointment order was issued by the respondent No. 3 on 02.06.2023 for a period of 89(eighty-nine) days, but the joining letter of the writ petitioner is dated 01.06.2023, which is highly improbable, as a person cannot join to the duties until appointment orders are issued. He further submits that the point in issue is no longer alive, inasmuch as, the period of 89(eighty-nine) days, for which the writ petitioner would have served, have long since elapsed. He therefore submits that there being no point for consideration any further in the writ petition, the same may be dismissed.

4. Mr. P.T. Sangma, learned counsel for the writ petitioner at this stage has submitted that the writ petitioner, has also not been allowed to continue as a muster roll, after the temporary appointment of Chowkidar, was also not allowed to him, he then prays that directions be issued for special consideration by the respondents, to allow him to continue in the post which he served earlier as a muster roll.

5. Having heard learned counsel for the parties, it is apparent on the face of the records itself, that the appointment order issued by the respondent No. 3 is dated 02.06.2023, but the joining report addressed to the respondent No. 4 is dated 01.06.2023.

6. Be that as it may, as the point of contention no longer exists, as the period of 89(eighty-nine) days, has since elapsed, this writ petition is closed, however, with the directions that the respondents may consider to allow the writ petitioner to continue in the post as a muster roll, and further to consider him if fit and eligible to discharge duties as Chowkidar, against a vacancy.

7. With the above noted directions, this writ petition stands closed and disposed of.

Judge

Meghalaya
16.04.2024
"D.Thabab-PS"