



Serial No.29
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C). No. 359 of 2023

Date of Decision: 03.09.2024

Smti. Meri-Iooka Iongwai.

...Petitioner

-Versus-

1. The State of Meghalaya,
Represented by the Chief Secretary.
2. The Commissioner & Secretary to
The Govt. of Meghalaya,
Personnel & A.R.(B) Department,
Shillong.
3. The Under Secretary to the Govt. of
Meghalaya, Personnel & A.R.(B) Department,
Shillong.
4. The Deputy Secretary to the
Government of Meghalaya,
Personnel & A.R. (B) Department,
Shillong.
5. The Commissioner of Division East &
West Khasi Hills, Jaintia Hills &
R-Bhoi District, Meghalaya,
Shillong.
6. The Deputy Commissioner,
Jaintia Hills District, Jowai.

...Respondents

Coram:



Hon'ble Mr. Justice H.S.Thangkhiew, Chief Justice (Acting)

Appearance:

For the Petitioner/Applicant(s) : Mr. C.C.T.Sangma, Adv.

For the Respondent(s) : Mr. N.Syngkon, GA
Ms. Z.E.Nongkynrih, GA
Mr. A.Momin, 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 |

JUDGMENT AND ORDER (ORAL)

1. The writ petitioner is before this Court praying for regularizing the service of the petitioner w.e.f. 27-08-2007 with all consequential benefits, inasmuch as, the regularization which has been accorded has been made w.e.f. 21-10-2022.

2. The brief facts surrounding the case are that the writ petitioner was initially temporarily appointed on adhoc basis against a vacancy of LDA. It appears that while the petitioner had continued as such, on subsequent renewals, on a request of the Chief Secretary dated 02-05-2002, whereby the list of adhoc appointees were called for, the name of the writ petitioner along with other similarly situated adhoc appointees was provided. However, nothing transpired till 08-09-2006 when a revised list of adhoc appointees was again submitted to the Personnel & A.R. (B) Department. On 19-10-2006, it was communicated to the Deputy Commissioner that as



the names furnished had not been received by the Department i.e., Personnel & A.R.(B) Department, the names of the adhoc appointees including the writ petitioner could not be put up before the Cabinet for approval for regularization. As such, the services of the petitioner, due to the intervening circumstances, was not considered for regularization by the Cabinet in the year 2007. It was only on the second round when a similar exercise was conducted in the year 2022, whereby vide order dated 23-06-2022, when the name of the petitioner was then considered and regularized by the Cabinet on 15-03-2022.

3. Mr. C.C.T.Sangma, learned counsel for the petitioner submits that through no fault of the petitioner, the regularization which should have been accorded as far back as 27-08-2007 was denied due to laches on the part of the respondents. He further submits that due to this action or inaction, the petitioner has lost her seniority and as such has been denied the opportunity for promotion to a higher post. He therefore submits that as is apparent from the materials placed on record, that the regularization should have been accorded from 2007, he prays that the retrospective regularization be allowed to the writ petitioner.

4. Mr. N.Syngkon, learned GA on behalf of the State respondents has submitted that notwithstanding the change of events as is evident from the materials on record, the fact that cannot be ignored is that the writ petitioner has subjected herself to a special selection when the second



exercise had been conducted on the approval of the Cabinet being received. Learned GA has also submitted that after the special interview, the petitioner along with other similarly situated appointees have been regularized w.e.f. 21-10-2002, and that as per the conditions contained therein, they shall not lay claim to seniority prior to the date of regularization i.e. 21-10-2022, but however, the period of adhoc appointment will be taken into consideration for the purpose of leave, pay, increment, pension etc, as per existing provisions. He however, submits that the petitioner having received adequate relief, no case is made out for interference.

5. I have heard learned counsel for the parties. It is noted and as submitted that as far back as 2002, the list of adhoc appointees in the establishment of the Deputy Commissioner of the then Jaintia Hills District had been submitted in the Personnel Department, wherein the question of adhoc appointment had been put under review. Though the said list was submitted, however, due to the same not being received or recorded for whatever reasons, the case of the petitioner never came up for consideration or any orders passed on the said adhoc appointment as had been mooted by the W.T.Message dated 02-05-2002.

6. As observed earlier, in the year 2006, the revised list of adhoc appointees was again submitted and the same was put up for consideration, but however, it appears the list of adhoc appointees from Jaintia Hills



District were not on record before the concerned respondents which therefore excluded the writ petitioner from being considered again. The case of the petitioner as such, centres around the fact that a positive outcome would and could have been possible in the decision taken by the Cabinet on 27-08-2007 with regard to regularization of their services if the names had been put up for consideration. Looking into this fact, the same cannot be denied, but however, as much water has passed under the bridge, coupled with the fact that the petitioner has since subjected herself to a special interview as given in the order dated 23-06-2022, whereby certain conditions have been provided for approval of regularization, in the considered view of this Court at this stage, what has transpired cannot be undone, and as can be seen from the order of regularization dated 06-12-2022, the petitioner has been allowed all other service benefits except seniority which is to be counted from the date of regularization.

7. In this view of the matter therefore, no interference is called for and writ petition is closed and disposed of.

Chief Justice (Acting)