

GAHC040005672023



THE GAUhati HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)
(ITANAGAR BENCH)

Case No. : WP(C)/207/2023

Kolokolum Korah
S/o Late J. Korah,
R/o Yealing, PS Jako, PO Sunpura, Distt. Lohit, Tezu, AP

VERSUS

THE STATE OF AP and 3 Ors.
Represented by the Secretary (P and D) Water Resource, Govt. of AP, Civil
Secretariat, Itanagar, AP

2:The Chief Engineer (P and D) WRD Chimpur, Itanagar, Govt. of AP,
Age: 0 Occupation :

3:The Superintending Engineer, Water Resource, Namsai, Govt. of AP, Namsai
District, AP Age: 0 Occupation :

4:The Executive Engineer, Water Resource Division, Tezu, Dist Lohit, Govt. of AP
Age: 0 Occupation

Advocate for the Petitioner : Sunil Mow
K N Maling
Sonam Tsomo
Ebo Mili
D Tatum
Madan Mili
T Siga
Chanya Bangsia

Advocate for the Respondent : T Wangmo GA (AP)

**BEFORE
HONBLE MR. JUSTICE N. UNNI KRISHNAN NAIR**

ORDER

Date : 18.07.2024

Heard Ms. S. Tsomo, learned counsel for the petitioner. Also heard Ms. T. Wangmo, learned Government Advocate for all the respondents.

2. The petitioner by way of instituting the present proceedings has prayed for a direction upon the respondent authorities to regularise his services in the Department of Water Resources, Government of Arunachal Pradesh with all consequential benefits.

3. As projected in the writ petition, the petitioner was initially engaged as a casual labourer in the year 1996 in the then Department of Irrigation and Flood Control as an unskilled worker. It is the contention of the petitioner that he has been regularly serving in the said capacity till date. However, his such services have not been taken into consideration for regularisation and accordingly, given the fact that the petitioner is on the verge of his retirement, apprehends that he would retire from his services without his services being so regularised and accordingly, has instituted the present proceedings.

4. The respondents, on the other hand, have by way of filing an affidavit, brought on record, the fact that a scheme has been in vogue in the Department, wherein, the casual labourers are regularised in their services basing on their seniority after they have cleared a trade test conducted by the Department. In respect of the petitioner, it is contended that that the petitioner had cleared the said trade test in the year 2013 and presently, his seniority position is at Serial No. 16 in the category of Chowkidar (APST) and his services would be so

regularised on the basis of his seniority and the availability of vacancy.

5. In the above view of the matter, this Court, hereby, directs that the petitioner having cleared the trade test and being eligible for having his services regularised, in the post of Chowkidar and/or in any other equivalent post, the case of the petitioner shall be considered by the Departmental authorities, basing on his seniority and the availability of vacancy for such regularisation of his services.

6. It is observed that the petitioner would retire from his services within a period of about 5 (five) years from today and accordingly, it is expected that the case of the petitioner shall be given a due consideration for regularisation of his services before the date of his such superannuation, which would entitle him to receive pension and pensionary benefits.

7. With the above observations and directions, the writ petition stands disposed of.

JUDGE

Comparing Assistant