

GAHC030002952023



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

Case No. : WP(C)/65/2023

Sh. Nixon Chakma and 66 Ors.
S/o Bashu Dhan Chakma,
R/o Kamalanagar-I, Lawngtlai District, Mizoram. 2: Smt. Tarpana Chakma

3: Sh. Agaab Talukdar

4: Sh. P. Ahwoze Chakma

5: Smt. Deepa Chakma

6: Sh. Rohan Chakma

7: Smt. Nira Chakma

8: Sh. Digen Chakma

9: Sh. D. Somar Chakma

10: Sh. Sadhan Chandra

11: Smt. Dipenti Chakma

12: Sh. C. Ram Borseghora

13: Sh. R. Amaresh Chakma

14: Sh. Aurpon Chakma

15: Sh. L. Shikko Chakma

16: Sh. A.G. Sonil Chakma

17: Sh. Bijor Dewan

18: Sh. Jugal Chakma

19: Smt. Megna Chakma

20: Smt. Miranda Chakma

21: Shri Shambal Babu Chakma

22: Shri Isaak Lalthuvuana

23: Shri Padma Chandra

24: Shri Koshal Chakma

25: Shri T. Bullion Chakma

26: Smt. Taruna Chakma

27: Shri Rabi Chandra Chakma

28: Shri Laltlanmawia

29: Shri Dhana Rekha Chakma

30: Shri Shoban Chakma

31: Shri Nirumoy Tongchangya

32: Shri Modhu Chandra Chakma

33: Shri Shanti Priyo Chakma

34: Shri Gyana Priyo Chakma

35: Shri Anil Bikash Chakma

36: Shri Gombir Chakma

37: Shri Juel Chakma

38: Shri Mani Baron Chakma

39: Shri Puspa Mon Chakma

40: Smt. Monika Chakma

41: Shri Ripom Chakma

42: Shri Amullyo Dhan Chakma

43: Smt. Nita Chakma

44: Shri Mitun Chakma

45: Shri Rament Chakma

46: Shri Sumon Chakma

47: Shri Babu Chakma

48: Shri Kaina Ram

49: Shri Guno Dhan Chakma

50: Shri Lokhi Sawar Chakma

51: Shri Amar Bijoy Chakma

52: Shri Sushil Bikash Chakma

53: Smt. Janeki Chakma

54: Shri Jana Seba Chakma

55: Shri Udayan Chakma

56: Smt. Sughi Chakma

57: Shri Anil Kanti Chakma

58: Shri Krishna Rattan Tong

59: Shri Samar Kusum Chakma

60: Shri Utjal Chakma

61: Shri Nigira Dhan Chakma

62: Shri Dhana Rattan Chakma

63: Shri Ripom Chakma

64: Shri Raj Kumar Tongchangya

65: Shri Kopi Anand Chakma

66: Shri Polo Tic Chakma

67: Smt. Nagendra Chakm

VERSUS

The Chief Executive Member, Chakma Autonomous District Council and 2 Ors.
Kamalanagar,
Lawngtlai District, Mizoram. 2: The Executive Secretary
Chakma Autonomous District Council

3: The Senior Finance and Accounts Officer
Chakma Autonomous District Council

Advocate for the Petitioner : Mr B Lalramenga

Advocate for the Respondent : Mr Lalchhanliana Khiangte for R1-3

ORDER
BEFORE
HONOURABLE MR. JUSTICE NELSON SAILO

15.07.2024

Heard Mr. B. Lalramenga, learned counsel for the petitioners and Mr. Lalchhanliana Khiangte, learned counsel appearing for the respondents. Having regard to the nature and controversy projected by the petitioners, the writ petition is taken up for disposal at this stage.

[2.] By filing this writ petition, the petitioners have sought for a direction to the respondents to pay all outstanding dues of their monthly salaries with effect from the date of their joining their respective posts in the year 2022 till date. Further, the petitioners have also sought for a direction to the respondents to continue paying them their monthly salaries as per their entitlement.

[3.] The petitioners have annexed a table at Annexure-4 of the writ petition showing the particulars of their respective appointment and their date of joining. The said table goes to show that the petitioners were initially appointed in different posts between 01.09.2015 to 02.12.2021 by the respondent authorities concerned. Thereafter, a fresh Appointment Order was issued to them again between 01.07.2022 to 07.11.2022. According to the petitioners, after their initial appointment when they tried to join their respective posts, they were not allowed

to do so. Subsequently, when a second Appointment Letter was issued to them, they joined their respective posts and they have been working since the year 2022. Despite the same, the respondent authorities have failed to pay their monthly salaries and having no alternative, they are before this Court.

[4.] The respondent Nos. 1 to 3 have filed their affidavit-in-opposition on 31.10.2023 disputing the appointments of the petitioners by stating that the names of the employees have not been found in the Acquaintance Rolls. It is further stated that in fact, some of the petitioners are also not aware of being a part of the writ petition as writ petitioners. The respondents have also stated that the respondent No. 2 is currently conducting internal checking/enquiry to ascertain as to whether the writ petitioners are actually working in their respective alleged post or not. However, in view of the State Assembly Elections, the process could not be completed. Paragraph No. 10 of the counter affidavit may be abstracted hereunder for ready perusal:-

“That with regard to the statement made in Paragraph No. 10 & 11 of the Writ Petition, I say that the CADC strongly denied the contention that the Petitioners have been continuously rendering their services in the CADC since the time of their joining in the year 2022 as the contention is doubtful. Hence, the Respondent No. 2 is currently conducting internal checking/inquiry to ascertain as to whether the writ Petitioners are actually

working in their alleged posts or not. However, the inquiry could not be finalized at this stage since almost all the officers of various departments are engaged by the Election Commission of India in the ongoing General Election to the Mizoram Legislative Assembly. Hence, the Respondent crave the leave of this Hon'ble court to submit additional counter-affidavit on completion of the checking/enquiring of ascertaining the attendance or not of the Petitioners in the alleged post of appointments."

[5.] Having regard to the nature of the claim made by the petitioners regarding their appointment to the post and the non-payment of the salaries by the respondent authorities on one hand and the statement of the respondents in their counter affidavit that some sort of internal checking/enquiry has been done to examine the claim made by the petitioners regarding their appointment to the post concerned and regarding their actual performance of work, this Court is of the considered view that the process so undertaken should be brought to a logical end by passing an appropriate order, if not already done in the meantime.

[6.] The writ petition is therefore disposed of with a direction to the respondents to complete the entire process of examining and verifying the claim made by the petitioners regarding their appointment to the post concerned and they having performed their work within a period of two (2) months from the date of receipt of a certified copy of this Order by passing an appropriate order. Upon such

examination, if it is found that the petitioners have indeed been appointed and have rendered their services against the post they have been appointed, the respondents shall pay them their respective salaries as per their entitlement within a period of two (2) months from the date of the conclusion of the enquiry. If however, the enquiry has already concluded in the meantime and the petitioners are found to be working against their respective posts they have been appointed, the respondent authorities shall disburse their respective salaries as per their entitlement without further delay and at any rate, within a period of two (2) months from the date of receipt of a certified copy of this Order. It is further provided herein that if the petitioners are still aggrieved with the decision taken by the respondent authorities, they will be at liberty to seek any such remedy that may be available to them in law.

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

JUDGE

Comparing Assistant