

GAHC020004552024

2024:GAU-NL:526



THE GAUHATI HIGH COURT

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

WRIT PETITION (C) NO. 161/2024

1. Smti. C. Thungchanbeni Lotha, Deputy Drugs Controller, Department of Health & Family Welfare, Kohima, Nagaland.

.....Petitioner

-Versus-

1. The State of Nagaland represented by the Commissioner & Secretary to the Government of Nagaland, Health and Family Welfare Department, Nagaland, Kohima.
2. The Commissioner & Secretary to the Government of Nagaland, Personnel & Administrative Reforms Department, Nagaland, Kohima.
3. The Principal Director, Health and Family Welfare Department, Nagaland, Kohima.

.....Respondents

Advocates :

Petitioner : Mr. S.S. Dey, Senior Advocate
: Mr. Moa Jamir, Advocate

Respondents : Mr. V. Shukhrie, Additional Advocate
General, Nagaland
Ms. Inaholi Wotsa, Advocate

Date of Hearing, Judgment & Order : 23.09.2024

BEFORE
HON'BLE MR. JUSTICE MANISH CHOUDHURY

JUDGMENT & ORDER [ORAL]

The writ petition invoking the extra-ordinary writ jurisdiction under Article 226 of the Constitution of India has been preferred inter alia to assail an Order dated 14.06.2024 [Anenxure-25] passed by the Government of Nagaland in the Health and Family Welfare Department and a Corrigendum dated 09.07.2024 [Annexure-26] issued in connection with the Order dated 14.06.2024 [supra] by the Government of Nagaland in the Health and Family Welfare Department. The petitioner has also assailed an impugned Approval of the Personnel and Administrative Reforms Department, O.M. Branch given vide U.O. no. 219 dated 31.05.2024 [Annexure-24]. By the afore-mentioned Order/Corrigendum impugned herein, the petitioner has been informed, in essence, that she would be released from service on 30.09.2024 as per the provision contained in Section 3[1] of the Nagaland Retirement from Public Employment Act, 1991 [‘the NRPE Act’, for short], as amended. Terming such decision of the State Government as an order of premature retirement from service and also bad, arbitrary and illegal, the petitioner has preferred the writ petition with the claim that the service of the petitioner is to be counted only with effect from 04.12.1991.

2. The primary ground of challenge is that a period of thirty-five years of public employment of the petitioner could not have been calculated to be complete on 30.09.2024, the date from which the petitioner has been sought to be retired on superannuation by releasing her from service.
3. The facts which led the petitioner to institute the writ petition can be exposited, in brief, at first.
4. It was in the year 1989, the petitioner came to be appointed in a post of Drug Inspector [Class-I Gazetted] with a scale of pay plus other applicable allowances by the Secretary to the Government of Nagaland, Health and Family Welfare Department vide a Notification dated 04.09.1989. In the Notification dated 04.09.1989, it was mentioned that the appointment of the petitioner to the post of Drug Inspector was purely on contract basis for a period of one year, subject to termination by giving one month notice in writing from either side. The petitioner was appointed as a Drug Inspector on contract basis initially under the Civil Surgeon, Wokha against an existing vacancy. In terms of the Notification dated 04.09.1989, a contract-agreement was also executed in that connection setting forth the terms and conditions of the contractual appointment. By another Notification dated 22.02.1991, the contract service of the petitioner in the post of Drugs Inspector under the Nagaland Health Services came to be extended for a period of further one year from 05.09.1990 to 04.09.1991 and accordingly, another contract-agreement was executed between the parties. By a subsequent Notification dated 16.09.1991, the Health and Family Welfare Department, Government of Nagaland extended the contract services of the petitioner in the post of Drugs Inspector for another period of one year w.e.f. 05.09.1991.
5. During the currency of the petitioner's contract period of one year w.e.f. 05.09.1991, a process of recruitment was undertaken by the Nagaland Public Service Commission [NPSC] to fill up a nos. of vacancies in the post of Drugs Inspector [Class-II Gazetted] under the Nagaland Health Services in a regular manner. The petitioner participated in the said process of recruitment initiated by the NPSC by submitting her candidature. During the continuation of her contractual service which was extended from

05.09.1991, the results of the recruitment process initiated by the NPSC were declared. As the petitioner was recommended by the NPSC for appointment, she came to be appointed in the post of Drugs Inspector [Class-II Gazetted] under the Nagaland Health Services by the Government of Nagaland, Health and Family Welfare Department by a Notification dated 19.06.1992 along with two others on regular basis. In the Notification dated 19.06.1992, it was mentioned that the appointment of the petitioner would be on probation for a period of two years, subject to termination of service by giving one month notice from either side. On receipt of the Order of appointment on regular basis, the petitioner joined the service in the regular post of Drugs Inspector [Class-II Gazetted] and in course of time, the petitioner came to be regularized on completion of the probation period of two years by a Notification dated 04.05.1995. The service of the petitioner was also confirmed by a Notification dated 13.09.2021 of the Government of Nagaland in the Health and Family Welfare Department and in the said Notification, the effective date was mentioned as 04.12.1991.

6. On 01.04.2015, the Chief Secretary to the Government of Nagaland brought out the 6th Edition of State Civil List [as on 1st January, 2015] in respect of the services in the State and in the State Civil List, the details of the employees serving in various departments under the State Government including the Health and Family Welfare Department [Drugs Control], were incorporated. As per the said State Civil List, the petitioner who was then serving as an Assistant Drugs Controller with a B. Pharm degree, was shown to have entered into Government Service on 04.12.1991. It is pertinent to mention herein that in the Notification dated 19.06.1992 whether the petitioner came to be appointed as a Drugs Inspector [Class-II Gazetted] on regular basis, it was mentioned that the appointment was with effect from 04.12.1991.
7. But when the State Civil List was published in the year 2020, the petitioner's entry into Government service was shown as 04.09.1989. The petitioner submitted a Representation before the Principal Secretary to the Government of Nagaland, Health and Family Welfare Department on 11.07.2022 for rectification of such date of entry into Government service from 04.09.1989 to 04.12.1991 on the premise that her entry into Government Service was to be counted only from 04.12.1991. On submission of

the Representation, communications were exchanged between various authorities as regards the date of entry of the petitioner into Government service. As per the data published in terms of the Personal Information Management System [PIMS], the petitioner's date of joining was shown as 19.06.1992.

8. It was in the backdrop of the afore-mentioned events, the Personnel and Administrative Reforms [P&AR] Department in U.O. no. 219 dated 31.05.2024 had observed that after examination of the matter in terms of Paragraph 6 of the Office Memorandum dated 31.08.2017, the petitioner shall have been treated to be in public employment from the date of her initial appointment on 04.09.1989 and after calculation, it had been found that the said date, that is, 04.09.1989 was to be considered for the purpose of retirement under the Nagaland Retirement from Public Employment Act, 1991 [the NRPE Act', for short], as amended. Pursuant to the U.O. no. 219 dated 31.05.2024, the impugned Order dated 14.06.2024 has come to be issued by the Health and Family Welfare Department, Government of Nagaland observing that the petitioner is to be released from duty on 30.09.2024 on completion of thirty-five years of service in terms of Section 2[1] and Section 3[1] of the NRPE Act, 1991, as amended, and a Notification 07.08.2009 of the P&AR Department. In the impugned Order dated 14.06.2024, it is mentioned that the petitioner has been serving as the Deputy Drugs Controller, Department of Health and Family Welfare and her date of entry into Government service has been shown as 05.09.1989. The Corrigendum dated 09.07.2024 has been issued to incorporate the approval of the P&AR Department vide U.O. no. 219 dated 31.05.2024.
9. I have heard Mr. S.S. Dey, learned Senior Counsel assisted by Mr. Moa Jamir, learned counsel for the petitioner and Ms. V. Shukhrie, Additional Advocate General, Nagaland for all the respondents.
10. Mr. Dey, learned Senior Counsel appearing for the petitioner has contended that the impending release of the petitioner from service on and from 30.09.2024 would be in violation of the provisions contained in the NRPE Act, 1991, more particularly, Section 2[1] and Section 3[1] thereof. He has referred to an Office Memorandum dated

31.08.2017 of the P&AR Department to contend that it contains a decision of the State Government to the effect that the period of service rendered on ad-hoc/contract/work-charged/substitute basis, which is followed by regularisation or regular appointment shall be treated as public employment under the NRPE Act, 1991, as amended. According to him, when the said decision contained in Para 6 of the Office Memorandum dated 31.08.2017 is considered in juxtaposition with the statutory provisions contained in Section 2[1] and Section 3[1] of the NRPE Act then it would clearly emerge that the decision of the Government has, in essence, supplanted the statutory provisions contained in Section 2[1] and Section 3[1] of the NRPE Act. Mr. Dey has further submitted that when the petitioner was discharging her service on contract basis prior to her regular appointment, it was not pensionable service and as such, the State Government could not have embraced such period of contractual service within the period of thirty-five years as the same would be contrary to the Central Civil Services [Pension] Rules, 1972. He has further contended that the State respondents were obligated to proceed with the service particulars mentioned in the State Civil List 2015 wherein the date of petitioner's entry into Government service was rightly shown as 04.12.1991 and it is improper and arbitrary on the part of the State respondents to unsettle such settled position. With such projections, the learned Senior Counsel has contended that the period of public employment of thirty-five years is to be counted only from the petitioner's date of joining into the post of Drugs Inspector on regular basis pursuant to the recommendation of the NPSC and the order of appointment issued by the State Government. The petitioner has, thus, sought setting aside and quashing of the impugned Orders/Corrigendum as bad and illegal.

11. Au contraire, Ms. Shukhrie, learned Additional Advocate General, Nagaland appearing for the State respondents has submitted that it has been settled that the term, 'public employment' would include the period of ad-hoc/contractual service discharged by an employee prior to his/her regularization or regular appointment for the purpose of counting the period of public employment of thirty-five years if such regularization or regular appointment is without any break or gap in service. It has been contended that at the time of publication of the State Civil List 2015, it was made clear that the particulars incorporated therein, in case of any dispute or doubt, would be ascertained

from the original service records available with the Department and as such, it is not correct on the part of the petitioner to contend that the particulars incorporated in the State Civil List 2015 were only to be adhered too. It has been submitted that the Office Memorandum dated 31.08.2017 was issued by the Government of Nagaland in the Personnel and Administrative Reforms [P&AR] Department only in pursuance of the observations made by the Division Bench of this Court in its various orders qua the definition of public employment defined in Section 2[1] of the NRPE Act and it cannot be contended that Para 6 of the said Office Memorandum was in violation of any of the provisions of the NRPE Act, 1991, as amended.

12. The learned counsel for the parties have referred to a Full-Bench decision of this Court in **Asangla T. Aier vs. Thungdeno Mozhui and other**, reported in **2021 3 GLR 238**, to buttress their respective submissions.
13. I have duly considered the submissions of the learned counsel for the parties and have also gone through the materials on record as well as the decision of the Full-Bench of this Court in **Asangla T. Aier** [supra].
14. The facts, as narrated hereinabove, are not in dispute. The petitioner initially joined service under the State Government as a Drug Inspector on contract basis for a period of one year pursuant to the Notification dated 04.09.1989. The contractual service of the petitioner was extended on two subsequent occasions vide Notification dated 22.02.1991 and Notification dated 16.09.1991. By the Notification dated 22.02.1991 and the Notification dated 16.09.1991, the petitioner's contractual service was extended upto 04.09.1991 and upto 04.09.1992 respectively. It was during the period when the petitioner was discharging her contractual service pursuant to the Notification dated 16.09.1991, the petitioner came to be appointed in the post of Drug Inspector in the Nagaland Health Service by the Government of Nagaland in the Health and Family Welfare Department by the Notification dated 19.06.1992 after the name of the petitioner was recommended by the NPSC. It is not the case of the petitioner that there was any break or gap in service between her contractual service and her regular service.

15. The petitioner has raised contention on the basis of the Paragraph 6 of the Office Memorandum dated 31.08.2017. For ready reference, Paragraph 6 of the Office Memorandum dated 31.08.2017 is quoted hereinbelow :-

6. Now, therefore, it has been decided that the period of service rendered on adhoc/contract/work-charged/substitute basis, which is followed by regularization or regular appointment without break or any gap in service except resignation, shall be treated as public under the Nagaland Retirement from Public Employment [2nd Amendment] Act, 2009.

16. It would be appropriate at this juncture to refer to the relevant provisions of the NRPE Act. The Nagaland Retirement from Public Employment Act, 1991 [‘the NRPE Act’, for short] was enacted to regulate the conditions of service in public employment, more particularly, to lay down law regarding tenure of public employment in the State of Nagaland. It was published in the Gazette on 26.9.1991 after having received the assent of the Governor of Nagaland on 23.9.1991. It was deemed to have come into force w.e.f. 18.6.1991. As sub-section [1] of Section 2, sub-sections [1] and [2] of Section 3 and sub-section [1] of Section 5 of the NRPE Act of 1991 are found to be of relevance, the same are quoted hereunder :-

2. Definition: In this Act, unless there is anything repugnant in the subject or context :-

[1] ‘Public Employment’ mean appointment to any pensionable State Public Service or posts connection with the affairs of the State of Nagaland and the Nagaland Legislative Assembly and includes any appointment under the Government of India, any other State Government, Central or State Public Sector undertaking and local authority held by persons prior to their absorption under the Public Service of the State of Nagaland and the Nagaland Legislative Assembly which counts for the purpose of pension.

3. Retirement from public employment.—

[1] Notwithstanding anything contained in any rule or orders for the time being in force, a person in public employment shall hold office for a term of thirty-three years from the date of his joining public employment or until he attains the age of fifty-seven years whichever is earlier:

Provided that in special circumstances, a person under public employment may be granted extension by the State Government upto a maximum of one year:

Provided further that the Government may have the cases of all persons under public employment screened from time-to-time to determine their suitability for continuation in public employment after the attainment of the age of fifty years.

[2] All persons under public employment shall retire on the afternoon of the last day of the month in which he attains the age of fifty-seven years or on completion of thirty-three years of public employment whichever is earlier.

5. Power to remove difficulties.—

[1] If any difficulty or doubt arises in giving effect to the provisions of this Act, the State Government may, by order publish in the Nagaland Gazette, make such provisions, not inconsistent with the purpose of this Act as appears to it to be necessary or expedient for the removal of the difficulty or doubt and the order of State Government in such cases shall be final.

16.1. A few provisions of the NRPE Act of 1991 came to be amended by the Nagaland Retirement from Public Employment [Amendment] Act, 2007, notified on 22.9.2008

and published in the Gazette on 15.4.2009. The provisions that were substituted were sub-sections [1] and [2] of Section 3 and the substituted provisions read as under :-

3. Retirement from public employment.-

[1] Notwithstanding anything contained in any rule or orders for the time being in force, a person in public employment shall hold office from the date of his joining public employment until he attains the age of sixty years.

[2] All person under public employment shall retire on the afternoon of the last day of the month in which he attains the age of sixty years.

- 16.2. The afore-mentioned provisions contained in sub-sections [1] and [2] of Section 3 of the NRPE Act came to be further amended by way of substitution vide the Nagaland Retirement from Public Employment [Second Amendment] Act, 2009 which was notified on 12.8.2009 and published in the Gazette on 13.8.2009 i.e. the date from which it came into force. The substituted provisions read as under :-

3. Retirement from public employment.-

[1] Notwithstanding anything contained in any rule or orders for the time being in force, a person in public employment shall hold office for a term of 35 years from the date of joining public employment or until he attains the age of 60 years, whichever is earlier.

[2] A person under public employment shall retire on the afternoon of the last day of the month in which he attains the age of 60 years, or in which he completes 35 years of public employment, whichever is earlier.

17. It is pertinent to mention that Paragraph 6 in an earlier Office Memorandum dated 29.03.2017, issued by the P&AR Department, Government of Nagaland was almost pari

materia to Paragraph 6 of the Office Memorandum dated 31.08.2017. Clause 6 of the said Office Memorandum dated 29.03.2017 was as under :-

6. Now, therefore, it has been decided that the period of service rendered on adhoc/contract/work-charged/substitute basis which is followed by regularization or regular appointment without break or any gap in service except resignation but notwithstanding the cases of resignations taken up with proper permission for another appointment, shall be treated as public employment and included in computation of length of service for the purpose of pension, under the Nagaland Retirement from Public Employment [2nd Amendment] Act, 2009.

18. In Paragraph 7 of the Office Memorandum dated 31.08.2017, it is found mentioned that the Office Memorandum dated 31.08.2017 has superseded all Office Memorandum on the subject including the Office Memorandum dated 29.03.2017.
19. Sub-section [1] of Section 3 of the NRPE Act, as it exists on date, contains a non-obstante clause. The statutory prescription contained therein has prescribed that a personal in public employment can either hold office for a term of thirty-five years from the date of joining public employment or till he or she attains the age of 60 years, whichever is earlier.
20. It has been provided in Section 2 that 'public appointment' means appointment to any pensionable State Public Service or posts connection with the affairs of the State of Nagaland and the Nagaland Legislative Assembly and includes any appointment under the Government of India, any other State Government, Central or State Public Sector under taking and local authority held by persons prior to their absorption under the Public Service of the State of Nagaland and the Nagaland Legislative Assembly which counts for the purpose of pension.

21. The reference made to the Full-Bench of this Court in **Asangla T. Aier** [supra] was to the following effect :

Whether the definition of 'Public Employment', referred above would necessarily mean that a person has worked on a post which was pensionable or will include contractual/ad-hoc service as well, which are non-pensionable.

22. The Full-Bench while deciding the reference, has referred to a number of earlier decisions including the decision rendered by the Hon'ble Supreme Court in **Nagaland Senior Government Employees Welfare Association and others vs. the State of Nagaland and others**, [2010] 7 SCC 643, and has quoted the observations made by the Hon'ble Supreme Court in Para 36, Para 50 and Para 61 from the said decision in **Asangla T. Aier** [supra]. Thereafter, the Full-Bench proceeded to answer the reference as to whether the contractual employment as well as ad-hoc employment would be included in the period of thirty-five years of public employment.

23. In answering the reference, the Full-Bench has observed as under :-

8. To sum up, the fixation of age of retirement or a fixed term of employment, are both permissible and it comes within the domain of policy matters of the State. This policy was earlier questioned before this court and even before the Hon'ble Apex Court, where it withstood the judicial scrutiny.

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13. The more important question to be decided here is as to whether thirty-five years in public employment would constitute only pensionable service, or it will include non-pensionable service, such as contractual, ad hoc, etc., The straight answer to this question is that public employment would include contractual or ad hoc period of service provided such an employee has been regularised in service, and then the entire period of service is to be calculated

for pensionary benefits. We say this because the essential element for 'public employment' under the Act is that it should yield pensionary benefits. It is not the manner of appointment, be it casual, ad hoc or regular that is important; which is important is that public employment must have 'pensionary benefits'.

14. Once we read the definition of 'public employment', which we have referred above, the essential purpose of the definition is 'pension'. Period of service rendered in a Government establishment becomes public employment, provided this period counts 'for the purposes of pension'. What is important in the definition of 'public employment' is that in whatever capacity one has undergone public employment, subject to a limit of thirty-five years, the period must be counted as pensionable service. The entire emphasis here is on the word 'pension'.

* * * * *

16. The Government of Nagaland has also accepted this position as we have also been apprised of the subsequent Office Memorandum dated 4.5.2017, which has been brought by the State of Nagaland, where the, State of Nagaland has also accepted this position that the entire length of service one has put in as public employment will be counted for pensionary benefit. Paragraph 6 of the said Office Memorandum reads as under :

6. Now, therefore, it has been decided that the period of service rendered on ad hoc/contract/work-charged/substitute basis which is followed by regularization or regular appointment without break or any gap in service except resignation, shall be treated as public employment and included in computation of length of service for the purpose of pension under the

Nagaland Retirement from Public Employment [2nd Amendment] Act, 2009.

17. In other words, the entire period of service will be counted for pensionary benefit irrespective of the fact whether it is regular, contractual, *ad hoc* or otherwise. In other words, we follow the law laid down by the Division Bench of this court in WA No. 177/2012 [*Neise Mich v. The State of Nagaland*] and hold that 'public employment' would include contractual/*ad hoc* employment, provided it is continuous, and the entire period [not beyond a period of thirty-five years] shall be counted for pensionary benefits.

18. The term 'public employment' has to be seen in the context of Section 3[1] of the Act which states that 'a person in public employments shall hold office for a term of 35 years from the date of joining public employment or until he attains the age of 60 years, whichever is earlier'. There is no confusion as to the attainment of the age of sixty years as this is determined by the recorded date of birth of the incumbent. The grey area lies in the calculation of the period of thirty-five years, which is whether the period of service rendered by an employee on contractual or *ad hoc* basis can also be calculated as 'public employment'. As we have seen, there is a purpose behind bringing thirty-five years of maximum period in public employment, when we see it in the context of Nagaland. The idea was that vacancies should keep coming so that more and more youth may join public service, so that their energy is channelized in a positive direction and they are not drawn towards militancy. Acknowledging this aspect, the Division Benches of this court had earlier upheld the thirty-five years restriction. This also has the approval of the Hon'ble Apex Court [*Nagaland Senior Govt. Employees Welfare Association v. State of Nagaland*, (2010) 7 SCC 643.], which has been referred above.

19. In view of the above and in answer to the formulated question before us, we are of the opinion that when thirty-five years of service is to be calculated in determining the date of superannuation of an employee in Nagaland service, his period of employment, be it contractual or *ad hoc* shall be calculated, and, therefore, the same period will also be calculated for giving pensionary benefit to the employee when such service is followed by regularisation.

24. Reverting back to the facts of the case in hand, it is clear that for the purpose of calculating thirty-five years of public employment in case of the petitioner, the services discharged under contract on and from 04.09.1989 is to be included as during the continuance of such contractual service, the petitioner came to be appointed in a regular post pursuant to her appointment by the State Government after being recommended by the NPSC, by the Notification dated 19.06.1992, and the transition from the contractual service to regular service was without any kind of break or gap whatsoever. In such view of the matter, the period of petitioner's thirty-five years of public employment is to be counted on and from 04.09.1989 and on that basis, the period of thirty-five years of public employment would be completed in September, 2024.
25. The contention raised on behalf of the petitioner that the details entered in the State Civil List 2015 and the details incorporated in the Personal Information Management System [PIMS] are only to be considered, upon consideration is found not acceptable for the reason that if the service details of the petitioner based on which the impugned orders have been passed are on the basis of the service records available with the State respondents then, it is the service records which would receive precedence. In any view of the matter, at the time of publication of the State Civil List, it was clearly mentioned that the contents of the State Civil List would not confer any official sanction in respect of the particulars depicted therein of the individual officers and in case of any doubt or dispute the correct information would be ascertained from the original records available with the Department concerned.

26. In so far as the contentions raised by the petitioner with regard to incongruent nature of the Office Memorandum dated 31.08.2017 is concerned, it is found on perusal of the contents of the Office Memorandum dated 31.08.2017 that the Office Memorandum was issued pursuant to a Judgment and Order dated 24.07.2012 rendered in W.A. no. 168/2012, W.A. no. 175/2012, W.A. no. 178/2012, W.A. no. 179/2012, W.A. no. 180/2012, W.A. no. 181/2012 & W.A. no. 183/2012 and a Judgment and Order dated 14.03.2017 passed in W.A. no. 5[K] of 2017, wherein it has been categorically held that the period of service rendered on ad-hoc/contract/work-charged basis has to be counted for computation of public employment under the Nagaland Retirement from Public Employment Act, 1991, as amended by the Nagaland Retirement from Public Employment [2nd Amendment] Act, 2009.
27. Rule 13 of the CCS [Pension] Rules, 1992 has provided for counting temporary service to determine the date of commencement of qualifying service if such temporary service is followed without interruption by substantive appointment in the same or another service or post.
28. It has, thus, been a settled position that in determining the date of superannuation of an employee from the services under the Government of Nagaland in terms of Section 2[1] and Section 3[1] of the NRPE Act, as amended, his/her previous period of employment, be it contractual or ad-hoc, is be calculated along with the period of employment in regular post for the purpose of counting thirty-five years, if there no break or gap between the two periods of employment and the entire period will also be calculated for giving pensionary benefit to the employee when such contractual or ad-hoc service is followed by a regularization. In the face of such settled position, there appears no necessity to deliberate on any other contention raised on behalf of the petitioner.
29. In view of the discussions made above and for the reasons assigned therein, the challenge to [i] the Order dated 14.06.2024 [Annexure-25], [ii] the Corrigendum dated 09.07.2024 [Annexure-26]; and [iii] Approval of the Personnel and Administrative Reforms [P&AR] Department given vide U.O. no. 219 dated 31.05.2024 [Annexure-24],

the Orders impugned in this writ petition whereby the petitioner has been sought to be released from public employment on completion of thirty-five years of service, that is, public employment on 30.09.2024, is found not merited. Consequently, as the writ petition is found bereft of any merit, the same is liable to be dismissed. The writ petition is, therefore, dismissed. There shall, however, be no order as to costs.

JUDGE

Comparing Assistant