Serial No.11
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C). No. 268 of 2020

Date of Order: 21.09.2020

Smti. Roilinda Tham Vs. State of Meghalaya & 5 Ors.

Coram:

Hon'ble Mr. Justice Ranjit More, Judge.

Appearance:

For the Petitioner/Appellant(s) : Mr. Philemon Nongbri, Adv.

For the Respondent(s) : Ms. I.Lyngwa, GA.

1. Petition is filed seeking direction to the respondents to regularize the services of the petitioner with effect from her date of joining and upon regularization for expedient dispensing of her pension and other pensionary benefits.

2. It is the case of the petitioner that she was appointed as Lower Division Assistant on adhoc basis against a sanctioned post in the office of the Sub-Divisional Officer, P.W.D. (R&B), South Shillong, Sub-Division, Pynursla vide Office Order dated 04-10-1982.

3. It is the further case of the petitioner that she had worked continuously with the said office and superannuated on 30-04-2020. The petitioner was not given pensionary benefits on the ground that her services are not regularized. The petitioner before attaining the age of superannuation had approached the Head Office of the P.W.D. (Roads), Shillong, South Division to enquire about ACP Scheme which has been implemented for all Government Employees working for more than 12 and 24 years, however, it is informed that there is an objection to the petitioner's ACP scheme on the ground that the petitioner is an Adhoc employee. Petitioner further contends

that pursuant to the above enquiry, the office of the Executive Engineer, PW.D. (Roads), Shillong, South Division, Shillong vide letter 10-05-2017 furnished the required information of the adhoc employees to the Deputy Chief Engineer, P.W.D. (Roads), Meghalaya, Shillong for the purpose of proposal for regularization of adhoc services. The Executive Engineer, P.W.D. (Roads), Shillong South Division, Shillong vide letter dated 10-07-2018 furnished the Service Books and other related documents of the petitioner to the Chief Engineer, P.W.D. (Roads), Meghalaya, Shillong for necessary action regarding proposal for regularization of adhoc services.

4. It is the specific case of the petitioner that despite above, neither the service of the petitioner is regularized nor pensionary benefits given. Therefore, she made a representation to the Hon'ble Chief Minister of Meghalaya, copy of which is annexed at Annexure-4. The said representation has not been decided and therefore petitioner has approached this Court invoking Article 226 of the Constitution of India.

5. Learned GA for the respondents on instruction states that the petitioner filed representation wrongly before Hon'ble Chief Minister of Meghalaya which should have been filed before the respondent No. 2, Secretary to the Government of Meghalaya, Public Works Department, Shillong. She also submits that if directions are given, said representation shall be decided by respondent No. 2 expeditiously.

6. In above circumstances, in my considered opinion there is no need to keep this writ petition pending, same is accordingly disposed of by passing following order:

i. Petitioner shall remain present in the office of respondent No. 2 along with copy of said representation (Annexure-4) and copy of this order at 11 AM on 28-09-2020.

ii. Respondent No. 2 shall decide the said representation after hearing the petitioner as expeditiously as possible, preferably within a period of 4 weeks.

iii. Respondent No. 2 shall decide the representation after giving an opportunity of hearing to the petitioner.

iv. Needless to say that the said representation shall be decided on its own merit and petitioner is at liberty to approach this Court in the event any adverse order is passed by respondent No. 2.

7. Accordingly, writ petition stands disposed of.

Judge

Meghalaya
21.09.2020
"Samantha PS"

