Serial No. 18
Supp. List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C). No. 452 of 2020

Date of Order: 16.12.2020

Shri. Starly Moon Phawa Vs. State of Meghalaya & Ors.

Coram:

Hon'ble Mr. Justice Ranjit More, Judge.

Appearance:

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

For the Respondent(s) : Mr. K.Barua, GA.

1. Heard.

2. It is the case of the petitioner that he was temporarily appointed as Chowkidar in the office of the Sub Divisional Officer PWD (Roads), Jowai North Sub Division No. II as against a sanctioned vacant post. It is further the case of the petitioner that he has been serving in the said office sincerely and continuously without any break for 41 years and during his continuous service, he has been enjoying the same benefits given to the regular employees such as regular monthly salary, annual increment, regular pay, revised pay etc till his superannuation on 31-12-2019.

3. Learned counsel for the petitioner submits that prior to petitioner's retirement, the office of the Executive Engineer, PWD (Roads) North Jowai Division, Jowai had forwarded the service book and all connected papers to the Chief Engineer, PWD (Roads), Meghalaya, Shillong and the government for regularization of the service of the petitioner. However, no action was taken by the respondents and therefore petitioner made a representation dated 01-12-2020 to the respondent No. 5 to consider his case for regularization of service so that he can avail his pension and post-retirement benefits for which he is entitled after his superannuation. It is further the case of the petitioner that a communication dated 05-02-2020 by the Deputy Chief Engineer, PWD (Roads), Meghalaya, Shillong to the Executive Engineer, PWD (Roads),

Jowai North Division, Jowai disclosed that his case for regularizarion is under consideration by the Government in the Personnel & Administrative Reforms (B) Department. The grievance of the petitioner is that the Government in the Personnel & Administrative Reforms (B) Department so far has not taken any action.

4. In the light of the above discussion, I deem it convenient to dispose of the present petition by directing respondent No. 4 to decide petitioner's representation dated 01-12-2020, copy of which is annexed as Annexure-6 at page 15 as expeditiously as possible, preferably within the period of 3(three) months from the date of receipt of this order. Ordered accordingly.

5. It is made clear that I have not gone into the merits of the matter and all points and contention of the respective parties are kept open. Respondent No. 4 shall decide the said representation of the petitioner independently on its own merit after giving opportunity of hearing to the petitioner and by passing a speaking order. In order to enable respondent No. 4 to comply with this order, petitioner shall remain present before him on 04-01-2021 at 11 a.m. along with copy of said representation and copy of this order.

6. Petition accordingly disposed of.

Judge

Meghalaya
16.12.2020
"Samantha PS"