GAHC020008382026 2026:GAU-NL:609-DB

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

Case No. : WP(C)/191/2026

THE UNION OF INDIA AND 2 ORS
REPRESENTED BY THE SECRETARY TO THE GOVT. OF INDIA,
MINISTRY OF AGRICULTURE AND FARMERS WELFARE, KRISH BHAWAN, NEW DELHI – 110001

2: THE HORTICULTURE COMMISSIONER
DEPARTMENT OF AGRICULTURE COOPERATION AND FARMERS WELFARE
DEPT. OF AGRICULTURE
GOVT. OF INDIA
KRISHI BHAWAN
NEW DELHI – 110001

3: THE DIRECTOR
CENTRAL INSTITUTE OF HORTICULTURE
DEPARTMENT OF AGRICULTURE
MINISTRY OF AGRICULTURE AND FARMERS WELFARE
GOVT. OF INDIA
CHUMOUKEDIMA
NAGALAND

VERSUS

SRI ANUKUL ROY AND 3 ORS
AGED ABOUT 47 YEARS, S/O LATE UMESH CHANDRA ROY, R/O MEDZIPHEMA TOWN, WARD NO. 6, DIMAPUR, NAGALAND

2:SRI ELIYAMO HUMTSOE
AGED ABOUT 40 YEARS
S/O ROBEN HUMTSOE
R/O RAINBOW COLONY
BURMA CAMP
DIMAPUR
NAGALAND

3:MS. KEVISETUONO KROSE
AGED ABOUT 37 YEARS
W/O VIKEMETHA DOLIE
R/O MEDZIPHEMA TOWN
WARD NO. 5
DIMAPUR
NAGALAND

4:MS. SHARDA DEVI
AGED ABOUT 38 YEARS
W/O SRI ANUKUL ROY
R/O MEDZIPHEMA TOWN
WARD NO. 6
DIMAPUR
NAGALAND

Advocate for the Petitioner : KROVI TSUKRU, SHEHNAZ AZIZ

Advocate for the Respondent : T. B. JAMIR (R/ 1-4), ASEN T JAMIR,MEYIREN JAMIR,I JAMIR

Advocate for the petitioners : Mr. B. Deka

Advocate for the respondents : Mr. T.B. Jamir

:::BEFORE:::

HON'BLE MRS. JUSTICE YARENJUNGLA LONGKUMER

HON'BLE MRS. JUSTICE HELEN DAWNGLIANI

Date on which judgment is reserved : 28.10.2026

Date of pronouncement of judgment : 06.11.2026

Whether the pronouncement is of the Operative part of the judgment : NA

Whether the full judgment has been Pronounced : Yes

Judgment & Order(CAV)

(Helen Dawngliani,J)

Heard Mr. B. Deka learned counsel for the petitioner. Also heard Mr. T.B. Jamir, learned counsel for the respondents.

2. This petition is filed under Article 226 of the Constitution of India against the Judgment & Order dated 03.06.2026 passed by the learned Member, Central Administrative Tribunal, Guwahati Bench, Guwahati, in O.A. No. 046/00140/2023 (Shri Anukul Roy & Ors. v. Union of India & Ors.), wherein the petitioners were directed to forthwith regularize the services of the respondents against the sanctioned posts to which they were appointed with all consequential benefits accruing from the date of

the order, and the process of regularization was further directed to be completed within a period of 3 months from the date of receipt of a certified copy of the said order.

3. BRIEF FACTS OF THE CASE

3.1. The Central Institute of Horticulture, Medziphema, Nagaland, was established on 16.01.2006 with the approval of the Union Cabinet. The initial proposal was to engage consultants (technical) on a monthly contract basis for a period of one year until the institute made appointments to regular staff.

3.2. The Ministry of Finance, Department of Expenditure, vide its order dated 23.06.2006, sanctioned 17 (seventeen) posts for setting up the Central Institute of Horticulture (CIH) in Nagaland consisting of, amongst others, Field Assistant & Stenographer.

3.3. Although the posts were sanctioned by the Government of India, the petitioner issued an advertisement dated 13.02.2009 for filling up the posts of Field Assistant & Stenographer on contractual basis. Factually, it is an admitted position that after the setting up of the Central Institute of

Horticulture (CIH) at Medziphema, Nagaland, a number of attempts were made to fill up the 17 posts by way of deputation. However, only the post of Director could be filled up by way of deputation. It was under such circumstances that the aforementioned advertisement was issued on 13.09.2009 inviting applications to fill up the various posts in the Central Institute of Horticulture (CIH) initially for a period of 6 months, which was extended from time to time.

3.4. Respondent Nos. 2 & 4 were engaged against the sanctioned posts of Field Assistant and Stenographer vide appointment letter dated 27.08.2009, respondent Nos. 1 & 3 were engaged against the sanctioned posts of Field Assistant and Stenographer vide appointment letters dated 23.06.2011 and 01.11.2019, respectively, on a contractual basis for a period of 6 months by a Temporary Committee of Members constituted for the engagement of contractual staff at the Central Institute of Horticulture (CIH), Medziphema, Nagaland.

3.5. Accordingly, respondent Nos. 2 & 4 had been serving as Field Assistant & Stenographer since 11.07.2009, respondent No. 1 was engaged as Field Assistant since 23.06.2011, and respondent No. 3 was engaged as Stenographer from 01.11.2019, all on a contractual basis

which was extended from time to time.

3.6. The Government of India issued Notification No. GSR 61 dated 18.02.2022 framing the 'Central Institute of Horticulture (CIH), Medziphema, Dimapur, Nagaland, Field Assistant & Stenographers (Group C) Recruitment Rules, 2022'. Respondent Nos. 1 & 2 fulfilled the essential qualifications prescribed for the post of Field Assistant, and respondent Nos. 3 & 4 fulfilled the essential qualifications prescribed for the post of Stenographer. However, for both posts, the upper age limit was fixed at 27 years, and the posts were to be filled up by direct recruitment in pursuance of selection proceedings to be initiated by the Staff Selection Commission.

3.7. The upper age limit prescribed by the Recruitment Rules, 2022 has left the respondents in a disadvantaged position as they require relaxation of the upper age limit, and the selection proceedings through the Staff Selection Commission, where they are required to compete with young talents, have also placed the respondents in a disadvantaged position. Therefore, the respondents submitted a representation dated 28.03.2023 to the Director In-Charge, Central Institute of Horticulture (CIH), with a prayer for the regularization of their services. However, their

representation was not attended to.

3.8. The respondents then approached the Central Administrative Tribunal, Guwahati Bench, Guwahati, by filing an application which was registered as Original Application No. 046/00140/2023, with a prayer to direct the petitioners to consider the cases of the respondents/applicants for regularization to the posts of Field Assistant & Stenographer with all consequential benefits, and to direct the petitioners to confer all the benefits of the regular pay band with grade pay, increments, allowances, etc., upon the grant of their formal prayer.

3.9. It was in this backdrop that the learned Member of the Central Administrative Tribunal, Guwahati Bench, disposed of the application of the respondents vide the impugned order dated 03.06.2026, wherein a direction for regularization as indicated above was given by the learned Tribunal.

4. SUBMISSION OF THE LEARNED COUNSEL FOR THE PETITIONERS

4.1. Mr. B. Deka, learned counsel for the petitioners has fairly submitted at the outset that respondent Nos. 2 & 4 accepted the offer of

appointment issued vide order dated 19.11.2009 against the sanctioned posts of Field Assistant & Stenographer, respectively, and were appointed against the said posts vide order dated 27.11.2009 on a contractual basis by the temporary committee members for a period of 6 months. It was further submitted that the said respondent Nos. 2 & 4 were working as Field Assistant & Stenographer on a contractual basis at CIH, Nagaland, since 2009, which was for a tenure of 6 months and extended from time to time. In respect of respondent No. 1, the learned counsel submitted that the said respondent was appointed against the sanctioned post of Field Assistant on a contractual basis by the temporary committee members for a period of 6 months, which was renewed from time to time. In respect of respondent No. 3, the learned counsel submitted that the engagement of respondent No. 3 against the sanctioned post of Stenographer was made on a contractual basis for a period of 6 months vide order dated 01.11.2019, where the aforesaid respondent was engaged as Field Assistant on a contractual basis till 30.03.2020. After the termination of 6 months, the contract was extended from time to time. While it is the pleaded case of the petitioners that the respondents knew fully well that the nature of their appointment was contractual but extendable from time to time, and that such appointment does not confer

any right to regularization, the learned counsel fairly submitted that keeping in mind the precedents on this subject by the Hon'ble Apex Court, and also the judgments of the coordinate bench of this Court in WA No. 35/2026, he would confine his challenge to the impugned order of the Central Administrative Tribunal only in respect of respondent No. 3.

4.2. In respect of respondent No. 3, the learned counsel submitted that the learned Member of the Central Administrative Tribunal failed to take into consideration the fact that respondent No. 3 was appointed against a substantive post only on 01.11.2019, and thus the aforesaid respondent has not completed the minimum requirement of 10 years of service to fall within the exceptions in ***Secretary, State of Karnataka & Ors. v. Uma Devi & Ors*** reported in ***(2006) 4 SCC 1***. It is submitted by the learned counsel that although prolonged service in an organization may create a positive right in favor of the employee to be regularized in service, judicial precedents cannot be an alternative mode of appointment contrary to the constitutional framework. It is the submission of the learned counsel for the petitioners that though respondent No. 3 was engaged in the year 2009 on a casual basis without any sanctioned post, therefore, even if her service is to be counted, it can only be counted from the year 2019 when

she was appointed against a regular sanctioned post and has not completed 10 years.

4.3. In view of the above, the learned counsel therefore submitted that the learned Member of the Central Administrative Tribunal committed error in directing the regularization of all the respondents, and to this extent, the order dated 03.06.2026 passed in O.A. No. 046/00140/2023 is liable to be interfered with.

5. SUBMISSION OF THE LEARNED COUNSEL FOR THE RESPONDENTS

5.1. Mr. T.B. Jamir, learned counsel for the respondents, on the other hand, submitted that during the month of October 2009, thereafter, on the strength of an approval given by the Director, CIH, the aforesaid respondent along with respondent No. 1, who were working as casual laborers, were engaged as assistants in the accounts section and in the administrative section. While they were working in the said capacity, an advertisement dated 12.05.2010 was issued for filling up various posts, and respondent No. 1 submitted his candidature for the post of Field Assistant and was selected and appointed on 23.06.2011. Respondent No. 3 submitted her candidature for the post of Stenographer pursuant to the

advertisement dated 28.05.2019, was selected vide communication dated 03.09.2019, and thereafter was appointed on 01.11.2019, and that the said respondent has continued to work as Stenographer till date.

5.2. The learned counsel further submitted that as the learned counsel for the petitioners have limited his challenge only to the direction issued by the learned Member of the Central Administrative Tribunal for the regularization of the service of respondent No. 3, it may not be necessary for him to further place arguments in respect of respondent Nos. 1, 2 & 4.

5.3. The learned counsel submitted that the decision of the Hon'ble Apex Court in the case of ***Uma Devi(Supra)*** has to be interpreted in the right perspective and not as a bar on the legitimate expectation of an employee. It is an admitted position that the service of the respondent No. 2 have been continuously utilized by the petitioner Institute since the year 2009 even though on casual basis which culminated into her appointment against a sanctioned post in the year 2019 and that the decision in ***Uma Devi(Supra)*** cannot serve as a shield to justify exploitative engagement persisting for years without the employer undertaking legitimate recruitment. In view thereof, the learned counsel argued that considering the State and its agencies as a model employer,

there is no reason why the same benefit which is given to the respondent Nos. 1, 2 & 4 cannot be extended to the Respondent No. 3 as well. In support of his submission the learned counsel has placed reliance in the following cases:-

(i) ***Shripal & Anr v. Nagar Nigam, Ghaziabad*** reported in ***(2025) SCC OnLine 221***

(ii) ***Bhola Nath v. State of Jharkhand*** reported in ***(2026) SCC OnLine Sc 129***

(iii) Judgment & Order dt.16.09.2026 passed by the Division Bench of this Court in WA No. 35 of 2026

(iv) Judgment & Order dt.07.04.2026 passed by the Division Bench of this Court in WA No. 12 of 2025.

6. ANALYSIS AND DECISION WITH REASONS

6.1. The learned counsel for the petitioners have placed his reliance in the case of the ***Uma Devi(Supra)*** in order to fortify his submission in respect of respondent No. 3 to the effect that the aforesaid respondent have not completed a period of 10 years regular service against a substantive post. In this regard, it may be apposite to extract the relevant

paragraph of the decision of the Hon'ble Supreme Court in the case of ***Uma Devi(Supra)***:-

> "*53. One aspect needs to be clarified. There may be cases where irregular appointments (not illegal appointments) as explained in S.V. Narayanappa, R.N. Nanjundappa and B.N. Nagarajan and referred in paragraph 15 above, of duly qualified persons in duly sanctioned vacant posts might have been made and the employees have continued to work for 10 years or more but without the intervention of orders of the courts or the tribunals. The question of regularization of the services of such employees may have to be considered on merits in the light of the principles settled by this Court in the cases above referred to and in the light of this judgment. In that context, the Union of India, the state governments, and their instrumentalities should take steps to regularize as one-time measure, the services of such irregularly appointed, who have worked for 10 years or more in duly sanctioned posts but not under cover of orders of the courts or of tribunals and should further ensure that regular recruitments are undertaken to fill those vacant sanctioned posts that require to be filled up, in cases where temporary employees or daily wagers are being now employed. The process may be set in motion within 6 months from this date.*"

6.2. Interpretation of the aforesaid direction contained in ***Uma Devi (Supra)*** was made by the Hon'ble Apex Court in the case of ***State of Karnataka & Ors v. M. L. Kesari & Ors*** reported in ***(2010) 9 SCC 247*** as below:

"*8.Umadevi (3) [(2006) 4 SCC 1] casts a duty upon the Government or instrumentality concerned, to take steps to regularize the services of those irregularly appointed employees who had served for more than ten years without the benefit or protection of any interim orders of courts or tribunals, as a one-time measure. Umadevi (3) [(2006) 4 SCC 1] directed that such one-time measure must be set in motion within six months from the date of its decision (rendered on 10-4-2006).*

9. The term "one-time measure" has to be understood in its proper perspective. This would normally mean that after the decision in Umadevi (3) [(2006) 4 SCC 1] , each department or each instrumentality should undertake a one-time exercise and prepare a list of all casual, daily-wage or ad hoc employees who have been working for more than ten years without the intervention of courts and tribunals and subject them to a process verification as to whether they are working against vacant posts and possess the requisite qualification for the post and if so, regularize their services.

10. At the end of six months from the date of decision in Umadevi (3) [(2006) 4 SCC 1] , cases of several daily-wage/ad hoc/casual employees were still pending before courts. Consequently, several departments and instrumentalities did not commence the one-time regularization process. On the other hand, some government departments or instrumentalities undertook the one-time exercise excluding several employees from consideration either on the ground that their cases were pending in courts or due to sheer oversight. In such circumstances, the employees who were entitled to be considered in terms of para 53 of the decision in Umadevi (3) [(2006) 4 SCC 1] , will not lose their right to be considered for regularization, merely because the one-time exercise was completed

without considering their cases, or because the six-month period mentioned in para 53 of Umadevi (3) [(2006) 4 SCC 1] has expired. The one-time exercise should consider all daily-wage/ad hoc/casual employees who had put in 10 years of continuous service as on 10-4-2006 without availing the protection of any interim orders of courts or tribunals. If any employer had held the one-time exercise in terms of para 53 of Umadevi (3) [(2006) 4 SCC 1] , but did not consider the cases of some employees who were entitled to the benefit of para 53 of Umadevi (3) [(2006) 4 SCC 1] , the employer concerned should consider their cases also, as a continuation of the one-time exercise. The one-time exercise will be concluded only when all the employees who are entitled to be considered in terms of para 53 of Umadevi (3) [(2006) 4 SCC 1] , are so considered.

11. The object behind the said direction in para 53 of Umadevi (3) [(2006) 4 SCC 1] is twofold. First is to ensure that those who have put in more than ten years of continuous service without the protection of any interim orders of courts or tribunals, before the date of decision in Umadevi (3) [(2006) 4 SCC 1] was rendered, are considered for regularisation in view of their long service. Second is to ensure that the departments/instrumentalities do not perpetuate the practice of employing persons on daily-wage/ad hoc/casual basis for long periods and then periodically regularize them on the ground that they have served for more than ten years, thereby defeating the constitutional or statutory provisions relating to recruitment and appointment. The true effect of the direction is that all persons who have worked for more than ten years as on 10-4-2006 [the date of decision in Umadevi (3) [(2006) 4 SCC 1]] without the protection of any interim order of any court or tribunal, in vacant posts, possessing the requisite qualification, are

entitled to be considered for regularization. The fact that the employer has not undertaken such exercise of regularization within six months of the decision in Umadevi (3) [(2006) 4 SCC 1] or that such exercise was undertaken only in regard to a limited few, will not disentitle such employees, the right to be considered for regularization in terms of the above directions in Umadevi (3) [(2006) 4 SCC 1] as a one-time measure."

6.3. The Hon'ble Apex Court in the case of ***Sanjay Singh & Anr v. U.P. Public Service Commission***, ***Allahabad & Anr*** reported in ***(2007) 3 SCC 720*** explained the concept of precedent. The relevant portion is extracted below:

"10. The contention of the Commission also overlooks the fundamental difference between challenge to the final order forming part of the judgment and challenge to the ratio decidendi of the judgment. Broadly speaking, every judgment of superior courts has three segments, namely, (i) the facts and the point at issue; (ii) the reasons for the decision; and (ili) the final order containing the decision. The reasons for the decision or the ratio decidendi is not the final order containing the decision. In fact, in a judgment of this Court, though the ratio decidendi may point to a particular result, the decision (final order relating to relief) may be different and not a natural consequence of the ratio decidendi of the judgment. This may happen either on account of any subsequent event or the need to mould the relief to do complete justice in the matter. It is the ratio decidendi of a judgment and not the final order in the judgment, which forms a precedent. The term "judgment" and "decision" are used, rather loosely, to refer to the entire judgment or the final order or the

ratio decidendi of a judgment. Rupa Ashok Hurra is of course, an authority for the proposition that a petition under Article 32 would not be maintainable to challenge or set aside or quash the final order contained in a judgment of this Court. It does not lay down a proposition that the ratio decidendi of any earlier decision cannot be examined or differed in another case. Where violation of a fundamental right of a citizen is alleged in a petition under Article 32, it cannot be dismissed, as not maintainable, merely because it seeks to distinguish or challenge the ratio decidendi of an earlier judgment, except where it is between the same parties and in respect of the same cause of action. Where a legal issue raised in a petition under Article 32 is covered by a decision of this Court, the Court may dismiss the petition following the ratio decidendi of the earlier decision. Such dismissal is not on the ground of "maintainability" but on the ground that the issue raised is not tenable, in view of the law laid down in the earlier decision. But if the Court is satisfied that the issue raised in the later petition requires consideration and in that context the earlier decision requires re-examination, the Court can certainly proceed to examine the matter (or refer the matter to a larger Bench, if the earlier decision is not of a smaller Bench). When the issue is re-examined and a view is taken different from the one taken earlier, a new ratio is laid down. When the ratio decidendi of the earlier decision undergoes such change, the final order of the earlier decision as applicable to the parties to the earlier decision, is in no way altered or disturbed. Therefore, the contention that a writ petition under Article 32 is barred or not maintainable with reference to an issue which is the subject-matter of an earlier decision, is rejected."

6.4. Therefore, it means that the three elements in the decision which is,

the fact and the point in issue, the reason for the decision and the final order containing the decision. As per the decision of the Hon'ble Apex Court as observed before, the ratio decidendi, that is, the reason for the decision, that forms the precedent.

7. From a reading of the interpretation given by the Hon'ble Apex Court in ***M.L. Kesari (supra)***, it is understood that the one time exercise of regularization would be in respect of those employees who have put in 10 years in continuous service as on 10.04.2006 without availing the protection of any interim orders of the courts or tribunals.

7.1. In the case of ***Narendra Kumar Tiwari v. State of Jharkhand*** reported in ***(2018) 8 SCC 238*** wherein the Hon'ble Apex Court was dealing with a case of the appellants who were irregularly appointed by the State Government, it was observed that " *8. If a strict and literal interpretation, forgetting the spirit of the decision of the Constitutional Bench in Umadevi, is to be take into consideration then no irregularly appointed employee of the State of Jharkhand could ever be regularized since that State came into existence only on 15.11.2000 and the cut off date was fixed as 10.4.2006. In other words, in this manner, the pernicious practice of indefinitely continuing irregularly appointed*

employees would be perpetuated contrary to the intent of the Constitution Bench". It was further observed that the entire issue on contextual perspective has to be considered not only from the point of view of the interest of the State but also the interest of the employees.

7.2. The Hon'ble Supreme Court in the case of ***Shripal(supra)*** was dealing with workmen who were engaged as Gardeners in the Horticulture Department of Ghaziabad Naga Nigam since the year 1998 and by mid-July 2005, their services were orally terminated. Upon challenge the employer took the defence by placing reliance in the case of ***Uma Devi(supra)*** however, the Hon'ble Apex Court observed that the said decision cannot serve as a shield to justify exploitative engagement persisting for years without the employer undertaking the legitimate recruitment, and directed the employer to initiate fair and transparent process of regularization of the workmen within six months from their reinstatement duly considering that they have performed perennial municipal duties akin to permanent posts.

7.3. In the case of ***Bhola Nath(Supra)***, the Supreme Court has formulated two issues one of which is that whether the action/inaction on the part of the State/respondents in recognizing the continuous service of

the appellants for the purpose of regularization was arbitrary and violative of Article 14 of the Constitution. In that context, it was observed that employees who have discharged continuous duties on contract basis for a considerable length of time cannot but be expected to have legitimate expectation that their services would be recognized, and that repeated extension of their services would bolster hopes and aspirations to remain in their service, and refrain from seeking alternative employment and that under such circumstances, the employees would have legitimate expectation of their services being regularized.

7.4. While deprecating the action of the Government in its notice to the employees that their services would not be extended beyond the year 2022, while the employees have been continuously engaged since the year 2012, it was observed that the action of the Government is not only vitiated by arbitrariness, but is also a clear derogation of equality principles enshrined in the Constitution.

7.5. Object behind para 53 of ***Uma Devi(supra)*** as illustrated in ***M.L. Kesari (supra)*** is to ensure that the department/instrumentalities do not perpetuate the practice of employing persons on adhoc/casual/daily basis for long periods and then periodically regularize them on ground that they

have served for more than 10 years, thereby defeating the constitutional or statutory provisions relating to recruitment and appointments.

8. Considering the decisions and interpretations given by the Hon'ble Apex Court as cited above, it is understood that the 10 years have to be relatable to the continuous service rendered as on 10.4.2006, and that the decision in ***Uma Devi(supra)*** has to be understood as a means to ensure that the practice of engaging on adhoc/daily/casual basis for long period are not perpetrated. It is therefore to be understood that the 10 years mandate cannot be mechanically applied under the spirit on which the decision was rendered in ***Uma Devi(supra)*** case**.**

9. It is necessary to bear in mind that the mere completion of ten years of service at any point subsequent point of time, would not, by itself, confer a right to regularization under the exception carved out in Umadevi's case.

10. In the present case, the respondent No. 3 admittedly commenced her association with the CIH in the year 2009. Consequently, she could not have completed 10 years of service as on 10.04.2006. Her claim therefore cannot be sustained by mechanically invoking the exception under paragraph 53 of Umadevi's case**.**

11. With the facts in hand, in respect of the Respondent No.3 it is worth noting that she has been rendering her service to the institute/CIH from the year 2009 on various capacities. The Institution continued to avail her service for a considerable period of time and ultimately appointed her on contractual basis in the year 2019 against sanctioned post.

12. It is also to be borne in mind that an institute being an instrumentality of a State, is expected to act fairly and consistently in matters relating to public employment. An employee cannot be kept in a precarious state of engagement for an indefinite period, particularly when the Institute continue to require and utilize the service of the Respondent No.3.

13. In the light of the above, we are of the view that the continuous engagement of the respondents, has given rise to legitimate expectation on the part of the employees who have spent the best part of their life in serving the institute and mechanical application of the 10 years of continuous service as reflected in the case of ***Uma Devi(supra)*** as a reason to deny the benefit particularly to respondent No. 3 cannot be considered as an action expected of a model employer and that the same would also hit the equality clause under Article 14 of the Constitution.

14. The jurisdiction of this Court under Article 226 of the Constitution, while examining the Order of the Central Administrative Tribunal is supervisory in nature and is not required to substitute its own view merely because another view may be possible. The interference would be warranted when the Tribunal committed an error of law, acted without jurisdiction, ignored material evidence or arrived at a conclusion which is perverse.

15. We have observed that the petitioners themselves have utilized the service of the respondent No. 3 for the past 17 years albeit on casual contract basis and have allowed her to continue to work for so many years. In view of the interpretations given by the Hon'ble Apex Court as highlighted above and applying the same to the context of the respondents in the instant case, particularly respondent No. 3, and upon consideration of the facts and circumstances of the case, this Court is of the view that the challenge made by the petitioner in respect of the respondent No. 3 by applying the 10 years mandate in ***Uma Devi(supra)*** cannot be sustained and that the finding of the Tribunal does not warrant interference. However, we also observe that in respect of seniority of respondent No. 3 in the grade of stenographer, the same can

only be counted from 01.11.2019 as she was not engaged as stenographer before 01.11.2019.

16. Accordingly, we do not find any merit in the instant petition, and it is therefore stands dismissed.

JUDGE **JUDGE**

Gaithuiliu Gonmei

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Comparing Assistant