



Serial No. 01
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 305 of 2018

Date of order : 05.09.2018

Shri Abdul Sattar Vs. State of Meghalaya & Ors.

Coram:

Hon'ble Mr. Justice Mohammad Yaqoob Mir, Chief Justice

Appearance:

For the Petitioner/Appellant(s) : Mr. S. Wahlang, Adv.

For the Respondent(s) : Mr. R. Gurung, GA

i) Whether approved for reporting in Law journals etc.: Yes/No

ii) Whether approved for publication in press: Yes/No

Oral:-

1. The prayer made by the petitioner in this petition is that the respondents may be commanded to consider the petitioner's case for regularisation which has been pending for the last 34 years. Learned GA appearing for the respondents would submit that he may be given time to have instructions, but keeping in view the controversy it will not be advantageous for either of the parties to keep this matter pending any more.

2. The precise factual matrix which has given rise to filing of the instant petition is that the petitioner vide order No. 95 dated 09.12.1980 issued by the Divisional Forest Officer, Wild Life Division, Meghalaya, Shillong was allowed to officiate temporarily as Forest Guard and subsequently, was appointed as Forest Guard on adhoc basis vide order No. 30 dated 10.06.1982 issued by the Deputy Conservator of Forest, Wild Life Division, Meghalaya, Shillong subject to the approval of the District Selection Committee.

3. On 10.06.1982, the petitioner had represented for regularisation of his service by claiming that his juniors had been promoted. The record reveals that 26 officials were similarly situated, services of 15 were



regularised whereas, the cases of remaining 11 officials were left unattended. Finally, 8 other employees were also taken on regular establishment while 3 officials including the petitioner were not considered, as such kept pending.

4. Finally, taking note of the plight of the petitioner and two other similarly situated employees, the Divisional Forest Officer, Khasi Hills Wildlife Division, Shillong vide Memo No. MWL/PF/RB ROY/72-73 dated 07.05.2018 addressed to the Conservator Forests (Hq), Meghalaya, Shillong has highlighted the background of the 26 persons including that of the petitioner and finally has also mentioned therein that “it is not understood as to why the service of the remaining three employees (Shri Arun Rani, Shri R.B. Roy and Shri A. Sattar) cannot be similarly considered. I would therefore request you to kindly take up the matter once again with the competent authority, so that the plight of our retired employees can be addressed at the earliest”.

5. From the month of May 2018 till date, it appears that the Conservator of Forest (Hq) has not taken any action constraining the petitioner to file the instant petition. Normally, the respondents on their own should have taken all requisite steps at their respective levels so as to finalise consideration of the case of the petitioner for regularisation of his service. Since the matter is pending consideration before the respondent authorities, to entertain this petition will be disadvantageous not only to the petitioner but the respondents will also get an opportunity to prolong the matter under the guise of pendency of this petition.

6. Petition is disposed of with a direction to the respondents to take all necessary steps whatever required at their respective levels for according due consideration to the regularisation case of the petitioner in the light of the Memo No. MWL/PF/RB ROY/72-73 dated 07.05.2018 addressed to the Conservator of Forests (Hq), Meghalaya, Shillong and to pass appropriate orders whatever warranted within a period of two weeks from today. While



doing so, the respondents shall keep in view the treatment extended to the other similarly situated officials.

7. Copy of the order be supplied to the learned counsel for the respondents so as to enable him to convey it to the respondents for ensuring compliance well within time fixed, right is reserved to the petitioner to re-agitate subject to survival of cause.

8. Disposed of as above.

(Mohammad Yaqoob Mir)
Chief Justice

Meghalaya
05.09.2018
"Sylvana PS"

