



Serial No. 24
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 399 of 2018

Date of Decision: 19.09.2019

Shri Robert D. Sangma Vs. State of Meghalaya & 4 Ors.

Coram:

Hon'ble Mr. Justice H. S. Thangkhiew, Judge

Appearance:

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

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

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| i) | Whether approved for reporting in Law journals etc. | Yes/No |
| ii) | Whether approved for publication in press: | Yes/No |

ORAL

1. The brief facts of the case is that the petitioner has been serving as Assistant Chemist in the Directorate of Mineral Resources, Government of Meghalaya, Shillong for the last 16 (sixteen) years since his appointment on 17th September, 2002, and his grievance is that in spite of his long service, his case which has been taken up for consideration for regularization is yet to be decided. As such, the prayer in the writ petition is for a mandamus to issue to the respondents to consider the case of the petitioner for regularization.

2. Mr. S. Wahlang, learned counsel for the petitioner submits that this is a second round of litigation before this Court and that by the earlier order dated 15th March, 2018 passed in WP(C) No. 33 of 2018 , the respondents were directed to address the representation of the petitioner for regularization. He submits that even after disposal of the



representation though steps have been taken by the Department for the process of regularization, the same is yet to yield any result. As such, he prays that his case be considered expeditiously within a timeframe, inasmuch as, even for the post of Chemist which has been advertised he has become overaged, for which he has also assailed before this Court by way of the WP(C) No. 211 of 2018, which is still pending. He lastly submits that unless the respondents consider his case he will continue to be deprived of the due service benefits of a regular employee.

3. Mr. K.P. Bhattacharjee, learned GA on behalf of the respondents submits that the petitioner was selected and appointed only to serve on an officiating capacity and there is no permanency attached to the appointment. He does not dispute that the respondent No. 4 has taken steps for forwarding the case of the petitioner to the concerned department for regularization and he further submits that the same is still pending. The learned GA has drawn the attention of this Court to the Annexure-VIII which is a letter dated 14th November, 2018 issued by the respondent No. 3 which is recommendatory in nature for considering the case of the petitioner for regularization. He further submits that the decision is yet to be arrived at by the concerned authorities.

4. Heard learned counsel for the parties.

5. From the submissions of learned counsel for the parties and the materials placed on record what is reflected is that the writ petitioner had been appointed since 2002 by way of internal departmental selection to officiate against the post of Assistant Chemist. After serving in the said post, the respondents have even allowed the petitioner to cross the Efficiency Bar w.e.f. 1.09.2011 and he was placed in a higher regular scale of pay.

6. The letter dated 14th November, 2018 as placed in the counter affidavit though not positive in any manner, only points to the fact that the respondents No. 2 to 5, have actively considered the case of the petitioner and sent the recommendation for regularization to the



concerned department which is the Personnel & Administrative Reforms (B) Department for a decision.

7. In view of this situation as it pertains, it will be expedient that the instant writ petition be disposed of at this stage itself, with a direction that the case of the petitioner be examined by the concerned authorities who will decide the same as expeditiously as possible preferably within a period of 4(four) months from the date of receipt of the certified copy of this order. Needless to say, the petitioner will be at liberty to seek recourse to fresh legal remedy if a new cause of action arises.

8. With the above directions, the instant writ petition is accordingly disposed of.

JUDGE

Meghalaya
19.09.2019
"V. Lyndem PS"

