

GAHC010016252014



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

Case No. : WP(C)/5198/2014

RAJ KISHOR KURMI
S/O LT. RAM LAKHAN KURMI, R/O FAKIR TILLA, P.O. BORKHAT, DIST-
CACHAR, ASSAM

VERSUS

THE UNION OF INDIA and 3 ORS
REP. BY THE DY. EDUCATIONAL ADVISOR NIT MINISTRY OF HUMAN
RESOURCE DEV. DEPTT. OF SECONDARY AND HIGHER EDUCATION WING
SHATRI BHAVAN, NEW DELHI-788010

2:DIRECTOR OF NATIONAL INSTITUTE OF TECHNOLOGY
SILCHAR
DIST- CACHAR
ASSAM

3:THE PRINCIPAL OF NATIONAL INSTITUTE OF TECHNOLOGY
SILCHAR
DIST- CACHAR
ASSAM

4:THE REGISTRAR
NATIONAL INSTITUTE OF TECHNOLOGY
SILCHAR
DIST- CACHAR
ASSA

Advocate for the Petitioner : MR.M J BARUAH

Advocate for the Respondent : ASSTT.S.G.I.

**BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK**

ORDER

20.07.2023

Heard Mr. M J Baruah, learned counsel for the petitioner and Mr. K Gogoi, learned CGC for the respondent No. 1. Also heard Mr. S P Choudhury, learned Standing counsel, NIT for the respondent Nos. 2, 3 & 4.

2. Petitioner was empanelled for the post of Watchman in the Regional Engineering College, Silchar in the year 1989.

3. Said Regional Engineering College, Silchar was taken over by the Central Government in the Ministry of Human Resource Development under the Department of Secondary and Higher Education vide Notification dated 14.05.2003 and was renamed as National Institute of Technology (NIT), Silchar and since then the administration, management and control of the said technical institute is under the Government of India, Ministry of Human Resource Development under the Department of Secondary and Higher Education.

4. By an order dated 10.07.1990, the petitioner was allowed to work temporarily as a Watchman in the regular scale of pay of Rs. 370/- - Rs. 490/- per month with other allowances as admissible under the Rules against the leave vacancy of one Sri. Jatindra Nath Bhowmik.

5. The petitioner continued to serve as Watchman in the said NIT, Silchar up to 30.04.2010 and retired from service on attaining the age of superannuation at sixty years on 30.04.2010.

6. Since the service of the petitioner was not regularized, he did not receive any pensionary benefits as he was considered as a daily wage labour.

7. The respondent NIT by order dated 04.08.2014 clarified that there was no vacancy for the post of Watchman, for which the petitioner could not be empanelled and his service could not be regularized and that he did not render any regular service as qualifying service for grant of retirement benefits.

8. Said order dated 04.08.2014 was passed by the NIT, Silchar as this Court vide order dated 02.06.2014 passed in WP(C) No. 2475/2010 preferred by the petitioner directed the respondent NIT, Silchar to examine the case of the petitioner in the light of the relevant Rules and pass necessary order for regularization of his service.

9. The respondent No. 1, Deputy Educational Advisor to the NIT, Silchar, Ministry of Human Resource Development under the Department of Secondary and Higher Education on the next date fixed shall apprise the Court as to the categories and numbers of posts it had taken over from the Regional Engineering College, Silchar in terms of the Notification dated 14.05.2003 issued under No. F.35-1/2002-TS.II whereby it took over the Regional Engineering College, Silchar.

10. Further, the respondents in the NIT, Silchar on the next date fixed shall apprise the Court the number of regular valid sanctioned posts available at the time of taking over the Regional Engineering College, Silchar in terms of the Notification dated 14.05.2003.

11. The respondents in the NIT, Silchar on the next date fixed shall also apprise the Court regarding the status of service of said Jatindra Nath Bhowmik, regular Watchman in the Regional Engineering College, Silchar, as to whether he rejoined his service or not and as to when he retired from service and if so, what happened with the said vacant post of said Jatindra Nath Bhowmik after his retirement.

12. List on **10.08.2023**.

13. Copy of this order be furnished to Mr. K Gogoi, learned CGC and Mr. S P Choudhury, learned Standing counsel, NIT for their necessary use.

JUDGE

Comparing Assistant