

GAHC030007162025



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

Case No. : WP(C)/130/2025

Sh. Lalliantluanga Sailo
S/o Vanlalsanga
R/o Dinthar Veng,
Serchhip, Mizoram

VERSUS

The State of Mizoram and 4 Ors.
r/b the Chief Secretary to the govt. of Mizoram 2:The Secretary to the Govt. of
Mizoram
Health and Family Welfare Department
Aizawl
Mizoram

3:The Secretary to the Govt. of Mizoram

Department of Personnel and Administrative Reform
Aizawl
Mizoram

4:The Principal Director
Health and Family Welfare Department
Aizawl
Mizoram

5:The Director
Hospital and Medical Education Department

Govt. of Mizoram
Aizawl
Mizora

Advocate for the Petitioner : Mr Ashok Kumar Rokhum

Advocate for the Respondent : Addl. AG/GA, Mizoram for R 1-5

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

30.10.2025

Heard Mr. Samuel L. Pachau, learned counsel for the petitioner. Also heard Ms. Lalnunhlui, learned Government Advocate for the respondents.

2. The grievance of the petitioner, being sought to be addressed in this petition, is that he was appointed on 30th May 2011 as Grade IV (Group D) staff at J.N. Hospital, Serchhip, but since the date of his appointment, his services have been continuously utilizing as Driver by the respondent authorities due to departmental exigencies.

3. Mr. Pachau, learned counsel for the petitioner, submits that the petitioner had submitted several representations since the year 2016, requesting upgradation and regularization as Driver Grade III, but the same failed to evoke any response from the respondent authorities. Mr. Pachau also submits that the post of Driver is governed by the Mizoram Driver Recruitment Rules, 2009, whereas Group D employees are governed by Mizoram Group 'D' Posts Recruitment Rules, 2019, and that the pay scale of the Driver is higher than the Group D employees and there is also promotional avenue in the said category, and having utilized the service of the petitioner as Driver without giving him pay and benefits, he is subjected to exploitation and forced labour, thereby violating the provision of Article 23 of the Constitution of India, and therefore, Mr. Pachau

prays for issuing direction to the respondents to convene a Departmental Promotion Committee to consider the case of the petitioner for promotion/upgradation to the post of Driver Grade III (Group C), by taking into account is continuous utilization of his service as Driver since the date of his initial appointment on 30.05.2011, and to extend service and financial benefits.

4. Ms. Lalnunhlui, learned Government Advocate for the respondents submits that the petitioner has approached this Court after 14 years and that he has not made any objection earlier. However, she submits that she may be granted some time to obtain necessary instruction.

5. Accordingly, taking note of the submissions of learned counsel for both the parties, it is provided that let notice be issued to the respondents, returnable in two weeks.

6. As Ms. Lalnunhlui, learned Government Advocate appears and accepts notice on behalf of all the respondents, no formal notice is required to be issued to the respondents. However, extra requisite copies of the petition be furnished to her during the course of the day.

7. List the matter after two weeks.

8. In the meantime, Ms. Lalnunhlui, learned Government Advocate shall obtain necessary instruction and apprise this Court on returnable date.

JUDGE

Comparing Assistant