

GAHC040011072024



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

Case No. : WP(C)/366/2024

Jogindra @ Jugendra Nair and 8 Ors
Son of Late CKD Nair, Resident of Pasighat Town, C/o Executive Engineer, Pasighat
Division, WRD, East Siang District, Arunachal Pradesh. 2: Dil Bahadur Thakuri

Age:

Occupation :

Son of Late U D Bahadur Thakuri

resident of Pasighat Town

C/o Executive Engineer

WRD

Pasighat Division

East Siang District

Arunachal Pradesh.

3: Suraj @ Surja Pradhan

Age:

Occupation :

Son of Shri Tikaram Pradhan

resident of Pasighat Town

C/o Executive Engineer

WRD

Pasighat Division

East Siang District

Arunachal Pradesh.

4: Bal Bahadur Pradhan

Age:

Occupation :

Son of Late Korana BDR Pradhan

resident of Pasighat Town

C/o Executive Engineer

WRD

Pasighat Division

East Siang District

Arunachal Pradesh.

5: Haradhan Nath

Age:

Occupation :

Son of Late Mahindra Nath

resident of Pasighat Town

C/o Executive Engineer

WRD

Pasighat Division

East Siang District

Arunachal Pradesh.

6: Tulsi Thapa

Age:

Occupation :

Son of Late Ram Bahadur Thapa

resident of Pasighat Town

C/o Executive Engineer

WRD

Pasighat Division

East Siang District

Arunachal Pradesh.

7: Tilak BDR Tamang

Age:

Occupation :

Son of Ltae Bhim BDR Tamang

resident of Pasighat Town

C/o Executive Engineer

WRD

Pasighat Division

East Siang District

Arunachal Pradesh.

8: Nima @ Neema Tamang

Age:

Occupation :

Son of Shri Dhan Bahadur Tamang

resident of Pasighat Town

C/o Executive Engineer

WRD

Pasighat Division

East Siang District

Arunachal Pradesh.

9: Harka @ Ram Kumar @ Bahadur Chetry

Age:

Occupation :
Son of Late Bal Bahadur Chetry
resident of Pasighat Town
C/o Executive Engineer
WRD
Pasighat Division
East Siang District
Arunachal Pradesh

VERSUS

The State of AP and 11 Ors
represented by the Chief Secretary, Govt of Arunachal Pradesh, Civil Secretariat,
Itanagar. 2:The Commissioner

Age: 0
Occupation :
Water Resource Department
Govt of Arunachal Pradesh
Civil Secretariat
Itanagar
Arunachal Pradesh.

3:The Secretary
Age: 0
Occupation :
Water Resources Department
Govt of Arunachal Pradesh
Itanagar

4:The Superintending Engineer
Age: 0
Occupation :
Coord
Water Resources Department
Chimpu
Itanagar.

5:The Executive Engineer
Age: 0
Occupation :
Water Resources Department
Pasighat Division
East Siang District
Arunachal Pradesh.

6:Mohandra Tait
Age: 0
Occupation :

presently serving as regular Carpenter at WRD Executive Engineer
Pasighat Division
East Siang District
Arunachal Pradesh.

7:Smti Seema Nath

Age: 0

Occupation :

presently serving as regular Tracer at WRD Executive Engineer
Pasighat Division
East Siang District
Arunachal Pradesh.

8:Pabitra Gohain

Age: 0

Occupation :

presently serving as regular Mate at WRD Executive Engineer
Pasighat Division
East Siang District
Arunachal Pradesh.

9:Budhiman Tamang

Age: 0

Occupation :

presently serving as regular Mate at WRD Executive Engineer
Pasighat Division
East Siang District
Arunachal Pradesh.

10:DN Tiwari

Age: 0

Occupation :

presently serving as regular Chowkidar at WRD Executive Engineer
Pasighat Division
East Siang District
Arunachal Pradesh.

11:Smti SK Yadav

Age: 0

Occupation :

presently serving as regular Mate at WRD Executive Engineer
Pasighat Division
East Siang District
Arunachal Pradesh.

12:Sankar Chettry

Age: 0

Occupation :

presently serving as regular Mason at WRD Executive Engineer
Pasighat Division
East Siang District
Arunachal Pradesh

Advocate for the Petitioner : Mepe Ete

Advocate for the Respondent : GA (AP)

**BEFORE
HONBLE MR. JUSTICE KAKHETO SEMA**

ORDER

Date : 29.08.2024

Heard Mr. M. Ete, learned counsel for the petitioners.

The case, in brief is that, the petitioners were appointed as Contingency staff in the Rural Works Department, Government of Arunachal Pradesh in between the year 1989 to 2000. In the year 1995, the Irrigation & Flood Control department (IFCD) was bifurcated from the Rural Works Department. Thereafter, in the year 2004, the Irrigation & Flood Control department (IFCD) was renamed as Water Resources department. The petitioners are presently serving in the Water Resources department for about 24 to 34 years. The petitioners in the present case are aggrieved by the action of the respondent authorities regularising the service of the private respondents No.6 to 12.

It is the case of the petitioners that the regularisation of the private respondents is in violation of the rules for 'General Arunachal Pradesh Service, Group-C (Ministerial) Multi Tasking Staff (Dufty/Peon/Chowkidar/Mali/Babar/Cooker/Washer Man/Cobler and equivalent post) Common Recruitment Rules, 2019 and Arunachal Pradesh Staff Selection Board, Act, 2018.

Mr. M. Ete referring to the Schedule-10(B) of the rules submits that 50% of the vacancies shall be filled up from amongst the existing Unskilled Contingency staff who have completed 15 years of service and who possess educational qualification of Class-X/ITI or equivalent pass certificate from a recognised Board or Institution. The selection shall be done by the Arunachal Pradesh Selection Board on the basis of merit adjudged through limited departmental examination.

It is the case of the petitioners that the private respondents have been regularised in service, in violation of the rules more particularly, Schedule-10(B) of the said rules, without conducting any departmental examination.

Issue notice to the respondents returnable after **4(four) weeks**.

Ms. G. Ete, learned Government Advocate accepts notice on behalf of the respondent No. 1 to 5. Therefore, no formal notice need be issued to the said respondents. The learned counsel for the petitioners shall however serve the requisite copies of the writ petition to the learned Government Advocate within a period of 3 days from today.

Insofar as the respondent No. 6 to 12 are concerned, the learned counsel for the petitioner shall take steps for service of notice upon the said respondent by registered post with AD within a period of 3 days from today.

It is made clear that the regularisation and promotion of the private respondents, if any, vis-à-vis, the petitioners shall be subject to the outcome of the writ petition.

JUDGE

Comparing Assistant