

GAHC040012492025



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

Case No. : WP(C)/338/2025

Tapang Tatak and 5 Ors
Son of Late Taku Tatak, presently serving as Assistant Engineer, Pasighat Division,
PWD Department.

2: Samuel Gao
Age:
Occupation :
Son of Late Oking Gao
presently serving as Assistant Engineer
Pasighat Division
PWD Department.

3: Smti Drema Naksang Onge
Age:
Occupation :
Daughter of Late Tashi Naksang
presently serving as Assistant Engineer
Mechuka Division
PWD Division.

4: Mebom Ete
Age:
Occupation :
presently serving as Assistant Engineer
Yomcha PWD Division.

5: Tojo Kamki
Age:
Occupation :
presently serving as Assistant Engineer
Anini Division
PWD Department.

6: Yorum Nyamdek

Age:

Occupation :

Son of Late Yorum Tagar

presently serving as Assistant Engineer

Longding PWD Division

VERSUS

The State of AP and 7 Ors

represented by the Chief Secretary, Govt of Arunachal Pradesh, Civil Secretariat,
Block -I, 1st Floor, Itanagar 791111 2:The Secretary

Age: 0

Occupation :

Public Works Department

Govt of Arunachal Pradesh

Itanagar 791111

3:The Under Secretary

Age: 0

Occupation :

Public Works Department

Govt of Arunachal Pradesh

Civil Secretariat

Itanagar 791111

4:Miss Niti Taki

Age: 0

Occupation :

presently serving as Assistant Engineer

PWD

Roing Division.

5:Tayo Bagang

Age: 0

Occupation :

presently serving as Assistant Engineer

PWD

Doimukh Division.

6:Dewenso Tulang

Age: 0

Occupation :

presently serving as Assistant Engineer

PWD.

7:Doli Nyicyor

Age: 0

Occupation :
presently serving as Assistant Engineer
PWD.

8:Miss Ido Jerang
Age: 0
Occupation :
presently serving as Assistant Engineer
PWD
Rumgong Division

Advocate for the Petitioner : J Tsering, Techhi Topu

Advocate for the Respondent : GA (AP),

**BEFORE
HONOURABLE MR. JUSTICE KARDAK ETE**

ORDER

Date : 30.07.2025

Heard Mr. J. Tsering, learned counsel for the petitioners.

Challenge made in this writ petition is to the order dated 16.05.2025, passed by the Under Secretary, Public Works Department, Government of Arunachal Pradesh, whereby, the seniority position of the petitioners, who are the promotees of 2017 batch and the private respondents, who are direct recruits of 2019 batch, has been determined by placing the private respondents (direct recruits) above the petitioners.

It is the contention of the petitioners that the determination of the seniority of the private respondents by relying on the case of ***Union of India vs. N. R. Parmar***, reported in ***(2012) 13 SCC 340***, has been rendered without considering the later judgment of ***K. Meghachandran Singh v. Ningam Siro***, reported in ***(2019) 20 SCC 689***. The Hon'ble Supreme Court has overruled the case of ***N. R. Parmar*** (supra). Therefore, the reliance cannot be placed on ***N. R. Parmar*** (supra) case in determining the *inter-se* seniority between the petitioners and the private

respondents.

Mr. N. Ratan, learned Additional Advocate General for the State submits that the case of ***K. Meghachandran Singh*** (supra) has been referred to the Larger Bench, which is pending consideration before the Hon'ble Supreme Court. He submits that while referring the matter to the Larger Bench, the Hon'ble Supreme Court has observed that the case of ***N. R. Parmar*** (supra) has been prospectively overruled. Since the petitioners and the private respondents are promotees and direct recruits of the batch of 2017 & 2019, in any event, the case of ***N. R. Parmar*** (supra) shall be applicable.

Issue notice, returnable by 4 (four) weeks.

As Mr. N. Ratan, learned Additional Advocate General appears and accepts notice, on behalf of the State respondent Nos. 1 to 3, no formal notice is required to be sent. However, requisite extra-copies of the writ petition along with the documents appended thereto be furnished to him during the course of the day.

Steps for service of notice upon the respondent Nos. 4 to 8 be taken by registered post with A/D as well as by usual process, within 2 (two) days.

List the matter **after 4 (four) weeks**.

It is needless to observed that any promotion made on the basis of the order (Seniority List), dated 16.05.2025, passed by the Under Secretary, Public Works Department, Government of Arunachal Pradesh, shall be subject to the outcome of this writ petition.

JUDGE

Comparing Assistant