

GAHC040012592025



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

Case No. : WP(C)/343/2025

Kenpak Ngomdir and 3 Ors
Son of Late Nyaken Ngomdir, presently serving as Assistant Engineer, Lumla
Division, PWD, Tawang District, Arunachal Pradesh.

2: Tajo T Samchung
Age:
Occupation :
Son of Late Lindung Thama Samchung
presently serving as Assistant Engineer
Mechuka Division
PWD

3: Miss Tumbi Ete
Age:
Occupation :
presently serving as Assistant Engineer
O/o CE (Vigilance) Itanagar
PWD

4: Gyamar Taram
Age:
Occupation :
Son of Late Gyamar Sangma
presently serving as Assistant Engineer
Highway Ziro Divisio

VERSUS

The State of AP and 19 Ors
represented by the Chief Secretary, Govt of Arunachal Pradesh, Civil Secretariat,
Block-I, 1st Floor, Itanagar 791111 2:The Secretary PWD
Age: 0
Occupation :

Govt of Arunachal Pradesh
Itanagar.

3:The Under Secretary

PWD

Age: 0

Occupation :

Govt of Arunachal Pradesh

Civil Secretariat

Itanagar 791111

4:John Siram

Age: 0

Occupation :

presently serving as Assistant Engineer

PWD.

5:Miss Neki Raatan

Age: 0

Occupation :

presently serving as Assistant Engineer

PWD

Boleng Circle.

6:Miss Jijing Yaying

Age: 0

Occupation :

presently serving as Assistant Engineer

PWD

Aalo Circle.

7:Abu Pertin

Age: 0

Occupation :

presently serving as Assistant Engineer

PWD.

8:Golly Ketan

Age: 0

Occupation :

presently serving as Assistant Engineer

PWD.

9:Sige Gamlin

Age: 0

Occupation :

presently serving as Assistant Engineer

PWD

Yomcha Circle.

10:Tobom Gamoh

Age: 0

Occupation :

presently serving as Assistant Engineer

PWD

Maryang Circle.

11:Nabam Zomleen

Age: 0

Occupation :

presently serving as Assistant Engineer

PWD

Naharlagun Division.

12:Kento Riba

Age: 0

Occupation :

presently serving as Assistant Engineer

PWD.

13:Miss Nyater Gadi

Age: 0

Occupation :

presently serving as Assistant Engineer

PWD

Yomcha Division.

14:Tapi Mali

Age: 0

Occupation :

presently serving as Assistant Engineer

PWD

Bomdila Division.

15:Ringgong Bitin

Age: 0

Occupation :

presently serving as Assistant Engineer

PWD

Mebo

Pasighat Division.

16:Bhim Siga

Age: 0

Occupation :

presently serving as Assistant Engineer

PWD.

17:Risso Johny

Age: 0

Occupation :

presently serving as Assistant Engineer

PWD.

18:Jarken Bui

Age: 0

Occupation :

presently serving as Assistant Engineer

PWD.

19:Miss Yapek Yudik Taba

Age: 0

Occupation :

presently serving as Assistant Engineer

PWD.

20:Miling Pertin

Age: 0

Occupation :

presently serving as Assistant Engineer

PWD

Advocate for the Petitioner : J Tsering, Techhi Topu

Advocate for the Respondent : GA (AP),

**BEFORE
HONOURABLE MR. JUSTICE KARDAK ETE**

ORDER

Date : 31.07.2025

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 2016 batch and the private respondents, who are direct recruits of 2017 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 2016 & 2017, 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 20 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** along with WP(C) No. 337/2025 and WP(C) No. 338/2025.

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