

It is submitted by Mr. M.L. Nongpiur, learned counsel for the petitioner that the respondents Nos. 2 & 3, by the impugned office order dated 06.01.2025 have promoted the respondent No. 5 to the post of Water Works Superintendent which is a technical post, whereas the respondent No. 5 is serving in a clerical cadre. It is further submitted that a representation has been filed before the Chief Secretary and also a legal notice, which has not been answered by the respondents. Learned counsel submits that vide an order dated 03.08.2023, the petitioner was allowed to officiate as Water Works Superintendent and though this order was recalled on 10.08.2023, has however continued as such. He therefore, prays that in the interim some protection be given as he is still continuing as the Water Works Superintendent.

Mr. Philemon Nongbri, learned counsel for the respondents Nos. 3 & 4, has raised strong objections to the prayer for stay and has submitted that the promotion has been made on the basis of seniority, and that the petitioner does not fall within the zone of consideration. He further submits that the officiating appointment has since been cancelled and as such, the petitioner does not have any vested right to claim for consideration for promotion to the post. He therefore submits that no interference is called for and the prayer for interim orders be rejected.

Heard learned counsel for the parties and examined the materials on record.

What strikes the Court at the first instance is the absence of any set procedure, executive instructions or service rules that should govern the service conditions of the employees of the Shillong Municipal Board. Though a gradation list has been produced by the learned counsel for the respondents No. 3 & 4, as also Departmental proceedings for promotion, in the absence of other materials, the learned counsel is directed to further clarify the exact procedure that has been adopted by the Shillong Municipal Board with regard to promotion etc., and also to clarify the nature and exact duties and powers of the Water Works Superintendent. It is further provided that until the next date, status quo as on today shall be maintained with regard to the post of Water Works Superintendent.

List this matter on 20.02.2025.

It is expected that by the next date, the affidavit should be on board with all the necessary clarifications.

JUDGE

Meghalaya
31.01.2025
"V. Lyndem-PS"