

IN THE GAUHATI HIGH COURT

(The High Court of Assam, Nagaland, Meghalaya, Manipur, Tripura,
Mizoram and Arunachal Pradesh)

Sl. No. 1156

12.9.07 - - - - - 13.9.07

W.P.(C) NO. 365 (AP) OF 2006

AND

W.P.(C) NO. 706 (AP) OF 2005

IN W.P.(C) No.365 of 2006

Shri Tayo Tamin
Son of Late Tayo Tee,
Resident of Tayo village,
P.O. Yachuli, P.S. Ziro,
District - Lower Subansiri (A.P.)

PETITIONER

Versus -

1. The State of Arunachal Pradesh,
represented by the Secretary,
Public Works Department,
Govt. of Arunachal Pradesh,
Itanagar.

2. The Superintending Engineer,
Capital Circle, Public Works Deptt.,
Govt. of Arunachal Pradesh,
Itanagar.

3. The Executive Engineer,
Public Works Department,
Naharlagun Division,
District - Papumpare (A.P.)

RESPONDENTS

For the petitioners

Mr. M. Batt,
Advocate.

For the respondents :

Ms. G. Deka,
Addl. Govt. Advocate, Arunachal Pradesh

IN W.P.(C) No.706 (A.P.) of 2005

1. Shri Komli Jopir, Mate
Son of Etan Jopir Village -- Karko, P.O. &
P.S. Yingkiong, Upper Siang District,
Arunachal Pradesh.

Verified to be a
true copy
Raymond Adams
Notary (Registered)
Gauhati High Court, Itanagar Bench
Naharlagun
2007
Act 1 of 1872

2. Shri R.K. Sharma, Mate
C/O A.E. Yingkiong.
3. Shri T. Deoari, Mate,
C/o A.E. Yingkiong.
4. Shri Dungen Boli, Mate,
C/o A.E. Yingkiong.
5. Shri Dilip Rai, Driver,
C/O A.E. Yingkiong.
6. Shri Bandap GOP, Handyman
C/O A.E. Yingkiong.
7. Shri Tanak Danggen, Mazdoor,
C/O A.E. Yingkiong
8. Shri Gagar Miyu Mazdoor
C/O A.E. Yingkiong
9. Shri B.N. Pegu, Mazdoor,
C/O A.E. Yingkiong
10. Shri Kandum Modi, Mate
C/O A.E. Yiongkiong
11. Shri Sher Badhur Thapa, Mazdoor
C/O A.E. Yingkiong
12. Shri Atek Nopi, Mate
C/O A.E. Yingkiong
13. Shri P.N. Sing, Mate
C/O A.E. Yingkiong
14. Shri Tali Dipu, Carpenter,
C/O A.E. Yingkiong
15. Shri K.K. Sonar, Mechanic
C/O A.E. Yingkiong
16. Shri B.P. Chatterjee, Asst. Pinter
C/O A.E.-II Jenngging
17. Shri Anil Rai, Carpenter
C/O A.E.-II Jenngging
18. Shri Shesamn Sarma, Carpenter
C/O A.E.-II Jenngging

Verified to be a
true copy

Shri Anil Rai
Acting Registrar, Justice
Muhali High Court, Itanagar Beldi
Itanagar
Notarized 12/9/76 of Act I of 1872

19. Chattu Prasad, Mazdoor
C/O A.E.-II Jengging

(Common cause of action)

..... PETITIONERS

- Versus -

1. The State of Arunachal Pradesh,
represented by the Commissioner
Secretary to the Govt. of Arunachal
Pradesh, Public Works Department,
Itanagar.

2. The Chief Engineer, Public Works
Department, Govt. of Arunachal Pradesh,
Itanagar.

3. The Superintending Engineer, Boleng,
Circle, Public Works Department,
Govt. of Arunachal Pradesh.

4. The Executive Engineer,
PWD, Yingkiong Division, P.O. Yingkiong,
District - Upper Siang, Arunachal
Pradesh.

5. The Commissioner/Secretary Finance
Government of Arunachal Pradesh,
Itanagar.

..... RESPONDENTS

For the petitioners

Mr. Kento Jini
Advocate.

For the respondents :

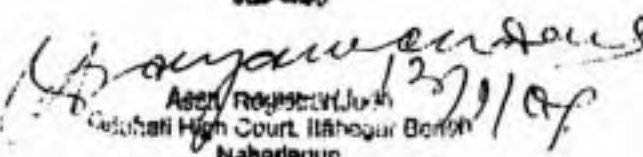
Ms. G. Deka,
Addl. Govt. Advocate, Arunachal Pradesh

P R E S E N T

THE HON'BLE MR. JUSTICE HRISHIKESH ROY

Date of Hearing : 12.09.2007

Date of Judgment and : 12.09.2007
Order

Verified to be a
true copy

Asst. Registrar, J. & S.
Cassipati High Court, Itanagar Boro
Naharlagun
Authorized U/S-74 of Act I of 1872

JUDGMENT AND ORDER

(ORAL)

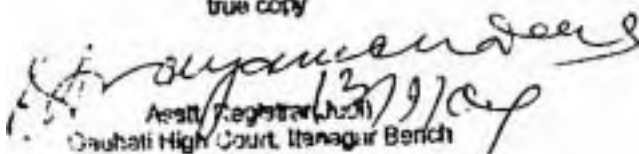
Heard Mr. M. Batt, learned counsel appearing for the petitioner in W.P.(C) No.365 of 2006 and also Mr. Kento Jini, learned counsel representing the 19 petitioners in W.P.(C) No.706 of 2005. Also heard Mr. R.S. Nabam, learned senior Government Advocate who represents the State Government along with Ms. G. Deka, learned Addl. senior Government Advocate.

2. The petitioners herein are casual/W.C. workers working in the Public Works Department of Government of Arunachal Pradesh who have approached this Court for second time to seek regularization of their services. By now all the writ petitioners involved in these two writ petitions have completed over 15 years of service as casual/W.C. workers.

3. These writ petitioners had earlier approached this Court praying for regularization of their services by filing separate writ petitions being W.P.(C) Nos.424(AP)/2002 and 83(AP)/2002. These two writ petitions were considered along with several other writ petitions filed by other persons claiming similar reliefs of regularization. The writ petitioners involved in all those writ petitions belong to various Departments of the Government of Arunachal Pradesh, viz., Public Works Department, Rural Works Department, P.H.E. Department, Power Department etc. During the proceeding before the learned Single Judge in the earlier round of litigations, a scheme for regularization for regularizing the services of the casual workers prepared by Rural Works Department which was also approved by the Government, was produced before the Court and a direction was issued by the Court that the claim of petitioners for regularization of service be considered by the Government in terms of the above scheme.

But, it is clarified by the counsels appearing for the parties before this Court that the said scheme which was produced before the Court pertained to the Rural Works Department and the Public Works

Certified to be a
true copy


Asst. Registrar (Judl)
Orachali High Court, Itanagar Borch
Naharlagun
Authorized U/S 78 of Act I of 1872

JUDGMENT AND ORDER

(ORAL)

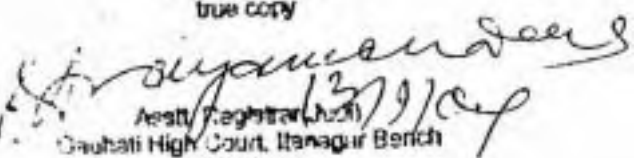
Heard Mr. M. Batt, learned counsel appearing for the petitioner in W.P.(C) No.365 of 2006 and also Mr. Kento Jini, learned counsel representing the 19 petitioners in W.P.(C) No.706 of 2005. Also heard Mr. R.S. Nabam, learned senior Government Advocate who represents the State Government along with Ms. G. Deka, learned Addl. senior Government Advocate.

2. The petitioners herein are casual/W.C. workers working in the Public Works Department of Government of Arunachal Pradesh who have approached this Court for second time to seek regularization of their services. By now all the writ petitioners involved in these two writ petitions have completed over 15 years of service as casual/W.C. workers.

3. These writ petitioners had earlier approached this Court praying for regularization of their services by filing separate writ petitions being W.P.(C) Nos.424(AP)/2002 and 83(AP)/2002. These two writ petitions were considered along with several other writ petitions filed by other persons claiming similar reliefs of regularization. The writ petitioners involved in all those writ petitions belong to various Departments of the Government of Arunachal Pradesh, viz., Public Works Department, Rural Works Department, P.H.E. Department, Power Department etc. During the proceeding before the learned Single Judge in the earlier round of litigations, a scheme for regularization for regularizing the services of the casual workers prepared by Rural Works Department which was also approved by the Government, was produced before the Court and a direction was issued by the Court that the claim of petitioners for regularization of service be considered by the Government in terms of the above scheme.

But, it is clarified by the counsels appearing for the parties before this Court that the said scheme which was produced before the Court pertained to the Rural Works Department and the Public Works

Certified to be a
true copy


Asst. Registrar (Judl)
Gauhati High Court, Itanagar Berich
Naharlagun
Authorized U/S 76 of Act I of 1872

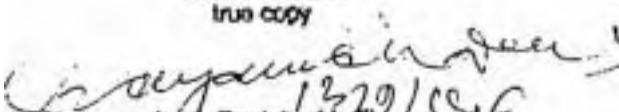
Department was yet to prepare a scheme for the purpose of regularization of casual workers.

But, while disposing of several writ petitions including W.P.(C) No.424(AP)/2002 and W.P.(C) No. 83(AP)/2002, filed by the present petitioners working in the PWD, the learned Single Judge had no occasion to note that the scheme for regularization of the services of the casual/work-charged workers by the Public Works Department was yet to be prepared.

4. As the direction given by the learned Single Judge on 5.8.2003 were not complied with within the stipulated period of three months, these two fresh writ petitions have been filed by the petitioners who are casual/W.C. workers of the Public Works Department, seeking regularization of their services in terms of the scheme prepared by the Respondent Department.

5. In course of hearing of these two cases, the learned Senior Government Advocate and the Additional Senior Government for the State of Arunachal Pradesh had produced a scheme prepared by the Public Works Department i.e. *"The Scheme for Regulating the Appointment, Promotion and Services of Work Charged Staff under Public Works Department, Arunachal Pradesh,"* for regularization of the casual workers working in the Department. From the scheme, it appears, inter alia, that all casual/W.C. workers who have rendered service for 15 years or more are entitled to be regularized in service in terms of the said scheme prepared by the Public Works Department.

6. Considering that each of the writ petitioners in these two writ petitions have rendered more than 15 years of service as casual/work-charged workers in Public Works Department, there is an agreement by the petitioners lawyers and the State Counsels that there would not be any impediment in regularizing the services of the writ petitioners in terms of the aforesaid scheme prepared by the Public Works Department.

Verified to be a
true copy

12/2/04
Asst. Registrar (Judicial)
Central High Court, Itanagar Bench
Itanagar
Authorized under Sec 73 of Act I of 1872

7. In view of the above and particularly in view of the fact that a comprehensive scheme has already been prepared for the Public Works Department, these writ petitions are allowed by directing the respondents in the Public Works Department, to consider the cases of the writ petitioners for regularization of their services in terms of the scheme prepared by the Government. It is submitted that the concerned scheme has been prepared on the basis of a 372 page report of a High Powered Committee constituted for the purpose of recommending to the Department the scheme for regularization of the services of casual/work-charged workers of the Public Works Department. A copy of the final scheme of the Public Works Department contained in 13 pages made available by the learned Senior Government Advocate, Arunachal Pradesh is kept on record of these cases for future reference.

8. The exercise for regularization of the services of the writ petitioners has already been long delayed and needs to be carried out expeditiously. Accordingly, it is directed that the respondent authorities would undertake and conclude the exercise within three months from today. A copy of this judgment be made available to Mr. R.S. Nabam, the learned Senior Government Advocate, Arunachal Pradesh for conveying the same to the concerned authorities of the Government.

9. With the aforesaid directions, these writ petitions stands allowed.

Sd/- Harshikesh Roy
JUDGE

Certified to be a true copy

ISINGH

(Signature)

Asst. Registrar
Gauhati High Court, Itanagar Bench
Nahadagan
Authorised U/370 of Act I of 1972

IN THE GAUHATI HIGH COURT

(THE HIGH COURT OF ASSAM : NAGALAND : MEGHALAYA : MANIPUR :
TRIPURA : MIZORAM AND ARUNACHAL PRADESH.)

ITANAGAR PERMANENT BENCH : NAHARLAGUN

(CIVIL ORIGINAL SIDE)

CONTEMPT CASE(C) No. 01 (AP)2008

1336-38 / 12.03.08

In the matter of : An application under Section 11 and 12 of Contempt of Court's Act, 1971.

And

In the matter of : Willful disobedience of Order dtd. 12.09.2007
Passed by the Court in WP(C) 365 (AP)2006,

Shri Tayo Tamin

Petitioner.

-Versus-

1. Sri Otem Dai,
Commissioner, PWD,
Govt. of Arunachal Pradesh
Itanagar.

2. Sri Katung Wange
Superintendent Engineer, PWD,
Capital Circle, Itanagar,
Arunachal Pradesh.

3. Sri Rotu Techu,
Executive Engineer, PWD,
Naharlagun Division,
Arunachal Pradesh.

Respondents.

To,

Contemnors No1, 2&3

Take notice that an application (a copy where of with the copy) of this Court's order hereto annexed) has made to this court by the above name petitioner and that you are hereby called to show cause as directed in the said order on or before 28.03.2008 positively.

BY ORDER

Dy No 392 Date 19/03/08
PWD (E) & P. J. L. Itanagar

Registrar (Contempt)
Gauhati High Court
Itanagar Permanent Bench,
Naharlagun

THE GAUHATI HIGH COURT
ITANAGAR PERMANENT BENCH
NAHARLAGUN.

Cont. Case.01(AP)2008.

Shri Tayo Tamin Petitioner.

-Vs-

Sri Otem Dai & ors Respondent.

For the petitioner Mr.M.Batt.

For the Respondent

B E F O R E

THE HON'BLE MR. JUSTICE B.D.AGARWAL.

29.02.2008.

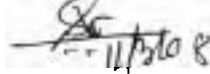
Heard Mr. M. Batt, learned counsel for the petitioner.

Issued notice returnable within 4 (four) ~~days~~ weeks.

The learned counsel for the petitioner shall ~~xxx~~ take necessary ~~xx~~ steps for issuance of notice on the respondents within a period of 3 (three) days.

Sd/-BD.AGARWAL.
JUDGE.

TRUE COPY



SUPERINTENDENT (Judl.)

Gauhati High Court
Itanagar Bench