

**IN THE GAUHATI HIGH COURT  
(THE HIGH COURT OF ASSAM; NAGALAND; MIZORAM &  
ARUNACHAL PRADESH)**

**WP(C) 412 (AP) of 2011**

**1. Shri Nyali Loyi,**

C/o Assistant Engineer,  
P.H.E & W.S. Department,  
Sub-Division Aalo, District West Siang,  
P/O Aalo, Arunachal Pradesh.

**2. Sri Hiteswas Boro,**

C/o Assistant Engineer,  
P.H.E & W.S. Department,  
Sub-Division Aalo, District West Siang,  
P/O Aalo, Arunachal Pradesh.

**3. Sri Domin Ingo,**

C/o Assistant Engineer,  
P.H.E & W.S. Department,  
Sub-Division Aalo, District West Siang,  
P/O Aalo, Arunachal Pradesh.

**4. Sri Sankar Bormon,**

C/o Assistant Engineer,  
P.H.E & W.S. Department,  
Sub-Division Aalo, District West Siang,  
P/O Aalo, Arunachal Pradesh.

**5. Sri Sobharam Hazarika,**

C/o Assistant Engineer,  
P.H.E & W.S. Department,  
Sub-Division Aalo, District West Siang,  
P/O Aalo, Arunachal Pradesh.

6. Sri Suman Raito,  
C/o Assistant Engineer,  
P.H.E & W.S. Department,  
Sub-Division Aalo, District West Siang,  
P/O Aalo, Arunachal Pradesh.

7. Sri Monaso Sobra,  
C/o Assistant Engineer,  
P.H.E & W.S. Department,  
Sub-Division Aalo, District West Siang,  
P/O Aalo, Arunachal Pradesh.

8. Sri Poda Loyi,  
C/o Assistant Engineer,  
P.H.E & W.S. Department,  
Sub-Division Aalo, District West Siang,  
P/O Aalo, Arunachal Pradesh.

(In view of the order dated 25.11.2013, passed in MC(WP)112 (AP) 2013, the name of the petitioner No. 8 has been deleted)

9. Smt. Karyum Lomi,  
C/o Assistant Engineer,  
P.H.E & W.S. Department,  
Sub-Division Aalo, District West Siang,  
P/O Aalo, Arunachal Pradesh.

10. Smt. Yayon Tayeng,  
C/o Assistant Engineer,  
P.H.E & W.S. Department,  
Sub-Division Aalo, District West Siang,  
P/O Aalo, Arunachal Pradesh.

11. Smty. Regum Lollen,  
C/o Assistant Engineer,  
P.H.E & W.S. Department,  
Sub-Division Aalo, District West Siang,  
P/O Aalo, Arunachal Pradesh.

12. Smty. Yakum Mibang,  
C/o Assistant Engineer,  
P.H.E & W.S. Department,  
Sub-Division Aalo, District West Siang,  
P/O Aalo, Arunachal Pradesh.

13. Sri Mohan Das,  
C/o Assistant Engineer,  
P.H.E & W.S. Department,  
Sub-Division Aalo, District West Siang,  
P/O Aalo, Arunachal Pradesh.

.....Petitioners.

Advocates for the petitioners:

Mr. K. Jini,  
Mr. D. Kamduk,  
Mr. T. Gadi,  
Mr. D. Loyi,  
Mr. T. Doye,

**-VERSUS-**

**1. The State of Arunachal Pradesh  
represented by the Commissioner and  
Secretary P.H.E & W.S. Department,  
Govt. of A.P., Itanagar.**

2. The Chief Engineer,

P.H.E. & W.S. Department,  
Government of Arunachal Pradesh,  
Itanagar.

3. The Superintending Engineer,  
P.H.E. & W.S. Department, Bene Circle,  
West Siang District, P.O. Aalo, Arunachal  
Pradesh.
4. Mr. Papor Yorni,  
C/Labour, P.H.E. & W.S. Department,  
Sub-Division Aalo, District West Siang, P.O.  
Aalo, Arunachal Pradesh.
5. Mr. Kirodh Debnath,  
CMate, P.H.E. & W.S. Department,  
Sub-Division Aalo, District West Siang, P.O.  
Aalo, Arunachal Pradesh.
6. Mr. Kento Geyi,  
C/Fitter, P.H.E. & W.S. Department,  
Sub-Division Aalo, District West Siang, P.O.  
Aalo, Arunachal Pradesh.
7. Mr. Jumge Bomjen,  
C/Fitter, P.H.E. & W.S. Department,  
Sub-Division Aalo, District West Siang, P.O.  
Aalo, Arunachal Pradesh.
8. Mr. Lige Sora,  
C/Fitter, P.H.E. & W.S. Department,  
Sub-Division Aalo, District West Siang, P.O.  
Aalo, Arunachal Pradesh.
9. Mr. Tagam Diyum,  
C/Labour, P.H.E. & W.S. Department,

Sub-Division Aalo, District West Siang, P.O.  
Aalo, Arunachal Pradesh.

10. Smt. Rei Amo,  
C/Labour, P.H.E. & W.S. Department,  
Sub-Division Aalo, District West Siang, P.O.  
Aalo, Arunachal Pradesh.

11. Mr. Hentum Riba,  
C/Labour, P.H.E. & W.S. Department,  
Sub-Division Aalo, District West Siang, P.O.  
Aalo, Arunachal Pradesh.

12. Mr. Moge Ete,  
C/Labour, P.H.E. & W.S. Department,  
Sub-Division Aalo, District West Siang, P.O.  
Aalo, Arunachal Pradesh.

...Respondents

Advocates for the respondents:

Ms. A. Mize, learned Addl. Sr. Govt. Advocate.

Mr. D. Niri,

Mr. P. Sora,

Ms. B. Ngomdir

Mr. G. Ngomdir

**:::BEFORE:::**

**HON'BLE MR JUSTICE A M BUJOR BARUA**

Date of hearing - **13.09.2017.**

Date of judgment - **13.09.2017.**

## **JUDGMENT & ORDER (ORAL)**

Heard Mr. K. Jini, learned counsel appearing for the petitioners and Ms. A. Mize, learned Additional Senior Government Advocate appearing for the State respondents.

**2.** The petitioners herein were engaged as casual labourers during the period from 1988-1996 in the Department of Public Health Engineering, Government of Arunachal Pradesh. Consequently till date, some of them have completed 30(thirty) years of service as casual labourers.

**3.** In this writ petition, the petitioners claim is that some other similarly situated casual labourers, who were appointed subsequently to the petitioners, have already been regularized in service, but, in case of the petitioner, they have been left out.

**4.** Accordingly, in this writ petition the petitioners' seeks for a relief that they may also be given the similar benefit of regularization. But, however, it has been pointed out that this Court in the judgment and order, dated 17.01.2017, in WP(C)No.482(AP)2011, by considering the relevant decisions of the Hon'ble Supreme Court in the matter of regularization of casual labours, had directed as follows:

***"In view of the aforesaid position of the law,  
a direction is issued to the State respondent***

*authorities to verify the credentials of the petitioners and arrive at a decision, firstly, as to whether they are working against any sanctioned posts and whether they are working for more than ten years as on the date of the judgment Umadevi's case, i.e. 10.04.2006 and whether they are continuing in service pursuant to any interim order from any Court or Tribunal. In the event, it is found that all the aforesaid three conditions are satisfied in respect of any of the petitioners, their services is to be regularized as an one time measure in consonance with paragraph-53 of the judgment in Umadevi's case.*

*Secondly, on the other hand, it is found that any of the petitioners do not meet the aforesaid three conditions, more particularly the condition that they are working against any sanctioned posts, their cases are to be determined as to whether they are performed by a regular employee working against the same/corresponding posts. If upon the determination it is found that any such petitioner is performing the same nature, quality and quantity of work as is being performed by a regular employee working against/corresponding posts, such petitioners are to be paid the wages at the*

***minimum of the pay scale as are being extended to the regular employees holding the same post.***

***Thirdly, if any such petitioner, upon the determination is found that they are not performing the said nature, quality and quantity of works as being performed by the corresponding regular employees, an appropriate and upgraded financial package be formulated for such employees commensurating with the nature, quality and quantity of work performed by them, and such financial package should not give the impression that the exploitative enslavement against such employees are still being perpetrated.***

***The aforesaid exercise be undertaken within a period of four months from the date or receipt of a certified copy of this order.***

***In terms of the above, the writ petition stands disposed of.***

5. As the issues involved in this writ petition is also similar to that of the said WP(C)482(AP)2011 and the entitlement of such casual labourers had already been adjudicated, this Court deems it appropriate that the claims of the petitioners in this writ petition be also disposed of in similar terms.

**6.** Accordingly, the aforesaid directions hereinabove, as given in WP(C)482(AP)2011, shall also govern the case of the petitioners in the present writ petition, and accordingly a similar direction is issued to the respondent authorities to consider the case of the petitioner in terms of the said three directions referred hereinabove.

**7.** The aforesaid exercise be undertaken within a period of 06(six) months from the date of receipt of a certified copy of this order.

In terms of the above, the writ petition stands disposed of.

**JUDGE**

Cha Gang