



Serial No. 27
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 412 of 2024

Date of Decision :12.03.2026

Shri Michael J Swer,
S/o (L) M Bathew
R/o Swer's Compound, Riatsamthiah,
East Khasi Hills District, Meghalaya

...Petitioner(s)

-Versus-

1. State of Meghalaya represented by
The Secretary Health & Family Welfare Department,
Government of Meghalaya, Shillong
2. The Under Secretary to the Government of Meghalaya,
Health & Family Welfare Department,
Government of Meghalaya, Shillong
3. The Director of Health Services (MI)
Government of Meghalaya, Shillong
4. The District Medical & Health Officer,
East Khasi Hills,
Government of Meghalaya, Shillong

...Respondent(s)

Coram:

Hon'ble Mr. Justice H.S. Thangkhiew, Judge.

Appearance:

For the Petitioner(s) : Mr. K. Paul, Sr. Adv. with
Mr. B. Snaitang, Adv.
Ms. K. Decruse, Adv.

For the Respondent(s) : Mr. N.D. Chullai, AAG with
Ms. Z.E Nongkynrih, GA



i)	Whether approved for reporting in Law journals etc:	Yes/No
ii)	Whether approved for publication in press:	Yes/No

JUDGMENT AND ORDER (ORAL)

1. The brief facts of the case are that the petitioner was appointed in the year 1993 as Laboratory Technician in the Department of Health & Family Welfare after being recommended by the Departmental Selection Committee. The services of the petitioner was then confirmed in the year 2019 by the Director of Health Services (MI), but strangely vide order dated 18.03.2023, the respondent No. 3 issued a list of adhoc appointees who were to be regularized and the name of the petitioner was on the said list. The petitioner being aggrieved with the said order, is before this Court by way of the instant writ petition.

2. Mr. K. Paul, learned Senior counsel assisted by Mr. B. Snaitang, learned counsel for the petitioner has submitted that the petitioner had initially been appointed since 06.08.1993, and was confirmed vide order dated 24.01.2019. The petitioner he submits, serving against a permanent sanctioned post was given all the benefits accruing from his service such as ACPS etc. apart from the fact that from the date of initial appointment, he was placed in a regular scale of pay with usual allowances as permissible



under the Rules. However, he submits the State respondents by the impugned order dated 18.03.2023, have shown him to be serving in an adhoc capacity and regularized by the said order. The learned Senior counsel submits that the placing of the petitioner in an adhoc status after confirmation in service, is clearly erroneous and illegal, inasmuch as, it will cause a severe impact on his services and accrued benefits, such as consideration of his length of service for the purposes of pension etc., He therefore, submits that the impugned order as far as it concerns the petitioner being irrational, is liable to be not be given effect to.

3. Mr. N.D. Chullai, learned AAG assisted by Ms. Z.E Nongkynrih, learned GA for the State respondents submits that the post against which the petitioner was appointed was a temporary non-gazetted post which received sanction for permanent retention on 15.05.2015, and that though the petitioner was confirmed against the post, his services was regularized vide the order dated 18.03.2023 on completion of the Special Interview conducted by the Department Selection Committee, and as such his services are to be counted from the date of regularization. He submits that this being the position, the petitioner was not entitled to any further relief.

4. Having heard learned counsel for the parties, this Court in consideration of the facts and on examination of the materials, notes that



from the time of initial temporary appointment which was by way of a Departmental Selection Committee, the petitioner has been afforded all the trappings of regular employment i.e. applicable pay scale, allowances and in the course of service also given benefits under the ACPS. The confirmation granted on 24.01.2019, was also by the competent authority against a permanent sanctioned post, and as such therefore, there was no element of the employment being adhoc or temporary in nature. The impugned order dated 18.03.2023, regularizing the petitioner therefore, would amount to just a formality considering the fact that in the normal course of employment, an employee is confirmed after regularization.

5. At this juncture, reference can be made to a letter dated 03.12.2014 (Annexure-2 to the additional affidavit of the petitioner) issued by the Under Secretary, Finance (Pay Revision) Department addressed to the Director of Health Services (MI), wherein it has been clarified that: -

“1. An employee who has been confirmed in the post is a substantive holder of the post. In other words, he is a permanent employee of the Government irrespective of whether his service has been regularized or not. Therefore, the length of service should be counted from the date of initial appointment”.

As such, it is clear for a confirmed employee, the length of service should be counted from the date of initial appointment. In the case of the petitioner therefore, the length of service is to be counted from the



date of initial appointment i.e. 06.08.1993, which would therefore render the order dated 18.03.2023, redundant as far as his services are concerned.

6. Accordingly, the writ petition is allowed and disposed of with the direction that the impugned order dated 18.03.2023, as far as the petitioner is concerned is set aside and shall not be given effect to, and further his services shall be reckoned from the date of initial appointment for the purposes of pension and other admissible terminal benefits.

JUDGE

Meghalaya
12.03.2026
"V. Lyndem- PS"