



Serial No. 01
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 70 of 2024

Date of Hearing: 24.08.2026

Date of Decision: 07.09.2026

1.Shri. Elias Marbaniang
S/o (L) K. Kharkongor,
R/o Kynton Massar,
Mawlai, Shillong – 793022

2.Shri. Jeliston Kharmynthon
S/o (L) K. Jyrwa
R/o Madanryting, Shillong – 793021

3.Shri. Probir Ghosh
S/o (L) B.P. Ghosh
R/o NEHU Campus, Shillong – 793022

4.Shri. Raj Mizar
S/o (L) B. Mizar
R/o Laitumkhrah, Shillong – 793003

5.Shri. Ranstor Kharpran
S/o (L) B. Jyrwa
R/o Mawtawar, Shillong – 793022

6.Shri. Newstar Lyngdoh
S/o (L) S. Nongpiur
R/o Phudmawri, Mawlai,
Shillong – 793008



7.Shri. Khrawbok Syiemlieh
S/o (L) R. Chyne
R/o Nongkwar, Mawlai,
Shillong – 793008

8.Shri. Thwon Lyngdoh
S/o (L) L. Marbaniang
R/o Mawpat, Shillong – 12

9.Shri. Donborlang Nongpiur
S/o (L) F. Pakem
R/o Mawtawar, Shillong – 793022

:::Petitioners

Versus

1.Union of India represented by the
Secretary, Government of India, Ministry
of Education, Shashtri Bhavan, C. Wing,
Dr. Rajendra Prasad Road, New Delhi-110001

2. Ministry of Personnel, Public Grievances
and Pensions, Department of Personnel and
Training represented by The Secretary to the
Government of India, Ministry of Personnel,
Public Grievances and Pensions, North Block,
New Delhi, PIN – 110001

3.University Grant Commission, represented by
the Chairman, UGC, Bahadurshah Zafar Marg,
New Delhi – 110002

4.North Eastern Hill University represented by
The Vice Chancellor, NEHU Campus,
Umshing, Shillong – 793022

5.The Registrar, North Eastern Hill University,
NEHU Campus, Umshing, Shillong – 793022

:::Respondents



Coram:

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

Appearance:

For the Petitioner/Appellant(s) : Mr. D.K. Dutta, Adv.

For the Respondent(s) : Ms. S. Langstieh, Adv. (For R 3)
Mr. S. Sen, Adv. (For R 4&5).

i) Whether approved for reporting in Law journals etc.: Yes/No

ii) Whether approved for publication in press: Yes/No

JUDGMENT AND ORDER

1. The petitioners 9 in number are before this Court praying for directions for regularization of their services in accordance with the scheme called “The Casual Labourers (Grant of Temporary Status and Regularisation) Scheme of the Government of India, 1993” and for quashing and setting aside an impugned letter dated 12.09.2023, whereby it has been communicated that the respondent University on its own, is not in a position to regularize the services of the petitioners.

2. The brief background facts are that the petitioners were originally appointed as Casual Labourers at NEHU, Shillong Campus, and they



performed essential skilled and semi-skilled duties such as carpenters, electricians, linemen etc. As per the aforementioned 1993 scheme, which came into effect from 01.09.1993, Casual Labourers were eligible to be granted 'Temporary Status' and also eligible for regularization after completing 3(three) years of continuous service from the date of conferment. By an order dated 24.02.2020, the respondent University conferred temporary status on the petitioners w.e.f. 01.09.1993, which would therefore as on date mean that the petitioners have rendered over 30(thirty) years of service, as Casual Labourers with Temporary Status. Subsequently, pursuant to the recommendations of the Sixth Pay Commission, relevant 'Group-D' posts in the University were upgraded and redesignated as Multi-Tasking Staff (MTS), which the petitioners claim and contend that their consideration for regularization be processed under this updated designation.

3. The petitioners had also preferred multiple representations on 19.12.2022, 25.10.2022 and 21.11.2022, and on receiving no positive response had approached this Court by way of WP(C) No. 103 of 2023, wherein this Court by order dated 03.05.2023, directed the respondents to dispose of their representations within a period of 4(four) months from the date a copy of the said order was presented to them. Thereafter, the respondent No. 5, by letter dated 12.09.2023, which is impugned herein,



expressed the University's inability to regularize the petitioner services on its own and that the cases of the petitioners had been forwarded to the Ministry of Personnel, Public Grievances and Pensions (DoPT) and to the University Grants Commission (UGC) for further directives.

4. The case put up by the petitioners is that the respondent University has arbitrarily delayed their regularization by referring the matter to other Government Departments instead of exercising its own autonomous authority, which has created injustice and are violation of their fundamental rights and legitimate expectation.

5. The issues that arise for determination are therefore, whether Casual Labourers with Temporary Status under an autonomous University created by statute are covered by the Scheme of 1993, and whether the extension of the scheme by the UGC in 1998, creates a vested legal right to regularization for the Casual Workers under the University that cannot be taken away.

6. Mr. D.K. Dutta, learned counsel on behalf of the petitioners has submitted that NEHU being an autonomous body possesses sole authority, discretion and legal mandate to adopt and implement the Central Government Scheme. It is further submitted that "The Casual Labourers (Grant of Temporary Status and Regularisation) Scheme of the Government of India, 1993" had been adopted by the University vide a



Resolution of the Executive Council made on 20.01.2020, and having adopted the Scheme, the University thus was the Executing Authority. It is then contended that the University had previously regularized Casual Labourers with Temporary Status on its own authority without seeking external permission and that the UGC vide communication dated 22.04.1996, had authorised the University to pool vacant posts and to create multi-functional positions to absorb daily wages, and further to absorb employees with Temporary Status, when vacancies arise.

7. The learned counsel has argued that once an administrative body adopts a beneficial scheme it must implement the same '*in toto*' rather than selectively or in a piecemeal manner. It is also contended that under the 1993 Scheme, Casual Labourers with Temporary Status are eligible for regularization and as such, the petitioners having been conferred this status w.e.f. 01.09.1993, are thus entitled for regularization. Further, submissions made are that following the recommendations of the Sixth Pay Commission, wherein all Group-D posts in the University were upgraded and re-designated as Multi-Tasking Staff (MTS), the case of the petitioners for regularization must be processed under this new cadre. It has also been asserted that the respondent University deliberately omitted this fact in the impugned letter dated 12.09.2023, to avoid considering the petitioners for absorption into the revised MTS scale, and that as they are under the 1993



Scheme, they are not subject to fresh recruitment, but infact, entitled to regularisation as MTS with effect from 3(three) years from the effective date, they were put under the scheme.

8. In concluding his arguments, the learned counsel has submitted that the University's actions constitute a colorable exercise of powers, as there has been a deliberate attempt to shelve the case of the petitioners and that vital information was not brought before this Court in the earlier round of litigation. Further, it has been emphasized that the action of the respondent University has caused the writ petitioners irreparable loss and injury, as many of them are at an advanced age, and on the verge of retirement.

9. On behalf of the respondent University, Mr. S. Sen, learned counsel has submitted that after the restructuring of Central Government Services following the recommendations of the Sixth Pay Commission, all Group-D posts ceased to exist upon being upgraded to Group-C posts, which have been designated as Multi-Tasking Staff (MTS) in the pay band PB-1+ Rs. 1800/- Grade Pay. As such, he submits, because Group-D posts no longer exist, it has become structurally impossible for the University to consider the cases of the petitioners for regularization. On the other aspect raised by the petitioners as to the autonomy of the University, it has been submitted that the University does not possess autonomous power to unilaterally regularize the services of the petitioners in the absence of sanctioned



Group-D posts. It has also been submitted that unless specific directions are received from DoPT, Government of India, and the same approved and extended to the University by the UGC, the case of the petitioners cannot be considered. As the University he submits, has to follow the Central directives, the bar that has been created by the DoPT O.M. No. AB-14017/6/2009-Estt. (RR) forwarded by the UGC vide letter dated 08.04.2011, that there be no further recruitment in Group-D posts, the University is unable to consider the case of the petitioners.

10. The allegation of there being any arbitrary or malafide action has been strongly rebutted by the learned counsel, who submits that recruitment rules were amended by the Executive Council of the NEHU to align with Government of India directives, and that infact, the University had actively pursued the petitioners case by the formal letters to the DoPT with copies to the UGC on 06.02.2023 and 14.08.2023. The rejection of the petitioners' representation he submits, was due to the fact that no response was received from the DoPT or the UGC, and as such, in the absence of such approval, the prayer of the petitioners was regretted vide letter dated 12.09.2023. It is then submitted that the earlier appointment orders were issued because at that relevant point of time, the petitioners fulfilled the criteria under the 1993 Scheme, when Group-D posts were still in existence.



11. The learned counsel then submits that apart from the fact, that the petitioners cannot be regularized due to the abolition of Group-D posts which has been upgraded to Group-C posts, the higher educational qualification required, to be eligible for this post i.e. Matriculation or equivalent or ITI passed, also is not possessed by the petitioners which therefore puts them out of the zone of consideration, despite the long years of service. In these circumstances it is submitted, the hands of the respondent University are tied by the Sixth Pay Commission Recommendation and the Government of India and UGC recruitment mandates, inspite of efforts made in good faith by the respondents.

12. Ms. S. Langstieh, learned counsel on behalf of the UGC has relied upon the DoPT O.M. No. 49014/01/2023-Estt. (C) dated 31.08.2023, to emphasize that the 1993 Scheme, was strictly a one-time measure, applicable only to those Casual Labourers who had completed a minimum of one-year of continuous service as on 01.10.1993, which was afforded only to those Casual Labourers engaged directly in the Government of India and its subordinate/attached officers. The respondent University she submits, being an autonomous statutory body established under its own act (NEHU Act, 1973), its employees are technically not employees of a Government of India Department, or a subordinate office thereof, and as such, are completely excluded from the benefits of the 1993 Scheme,



unless specifically extended. She further submits that, the filling up of any sanctioned posts within a Central University should be strictly in accordance with the Cadre Recruitment Rules (CRRs) through a proper selection process and that the accommodation and regularization of the services of Casual Labourers is not within the powers of the UGC.

13. Heard the learned counsel for the parties. The only prayer of the writ petitioners is for regularization of their services in accordance with the scheme known as “The Casual Labourers (Grant of Temporary Status and Regularisation) Scheme of the Government of India, 1993”. This Scheme as given in Para-3 thereof, is applicable to Causal Labourers in employment of the Ministries/Departments of the Government of India, and their attached and subordinate offices, on the date of issue of the orders, and vide Para-4, Temporary Status would be conferred on all Casual Labourers who are in employment on the date of issue of the Scheme, and who have rendered a continuous service of at least 1(one) year. Paragraph – 3, 4 and 5(vi) being relevant are reproduced hereinbelow:

“3. This scheme is applicable to casual labourers in employment of the Ministries/Departments of Government of India and their attached and subordinate offices, on the date of issue of these orders. But it shall not be applicable to casual workers in Railways, Department of Telecommunication and Department of Posts who already have their own schemes.



4. Temporary Status

(i) Temporary status would be conferred on all casual labourers who are in employment on the date of issue of this OM and who have rendered a continuous service of at least one year, which means that they must have been engaged for a period of at least 240 days (206 days in the case of offices observing 5 days week).

(ii) Such conferment of temporary status would be without reference to the creation/availability of regular Group 'D' posts.

(iii) Conferment of temporary status on a casual labourer would not involve any change in his duties and responsibilities. The engagement will be on daily rates of pay on need basis. He may be deployed anywhere within the recruitment unit/territorial circle on the basis of availability of work.

(iv) Such casual labourers who acquire temporary status will not, however, be brought on to the permanent establishment unless they are selected through regular selection process for Group 'D' posts.

5. Temporary status would entitle the casual labourers to the following benefits:-

(vi) After rendering three years' continuous service after conferment of temporary status, the casual labourers would be treated on par with temporary Group 'D' employees for the purpose of contribution to the General Provident Fund, and would also further be eligible for the grant of Festival



Advance/Flood Advance on the same conditions as are applicable to temporary Group 'D' employees, provided they furnish two sureties from permanent Government servants of their Department."

14. The Scheme also provided for the procedure for filling up of Group-D posts at Para-8(i) thereof, which also is reproduced herein below.

"8. Procedure for filling up of Group 'D' posts

- (i) *Two out of every three vacancies in Group 'D' cadres in respective offices where the casual labourers have been working would be filled up as per extant recruitment rules and in accordance with the instructions issued by Department of Personnel and Training from amongst casual workers with temporary status. However, regular Group 'D' staff rendered surplus for any reason will have prior claim for absorption against existing/future vacancies. In case of illiterate casual labourers or those who fail to fulfill the minimum qualification prescribed for post, regularization will be considered only against those posts in respect of which literacy or lack of minimum qualification will not be a requisite qualification. They would be allowed age relaxation equivalent to the period for which they have worked continuously as casual labourer."*



15. In the instant case, it is pertinent to note that the Scheme had been extended through the UGC to the respondent University and which took effect from 01.09.2023, and by an order of the University dated 24.02.2020, Temporary Status with retrospective effect from 01.09.2023, was accorded to the petitioners. However, on the recommendation of the Sixth CPC, all Group-D posts were upgraded to Group-C posts, and the other recommendations as contained in O.M. dated 30.04.2010, issued by the Ministry of Personnel, Public Grievances and Pensions (DoPT), were that there would be no further recruitment in Group-D posts and amongst others, the minimum qualification for appointment to this level was either 10th Pass or ITI equivalent. The Office Memorandum dated 30.04.2010, being relevant is reproduced herein below.

No. AB-14017/6/2009-Estt (RR)
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

New Delhi, dated the 30th April 2010

OFFICE MEMORANDUM

Subject:- Model Recruitment Rules for Group 'C' posts in Pay Band-1, with Grade Pay of Rs.1800/- (pre-revised Group 'D' posts)

The 6th CPC recommended that all Group 'D' posts in the Government will stand upgraded to Group 'C', Pay Band-1 with Grade Pay of Rs.1800, along with the incumbents (after



suitable training, wherever required). The other recommendations of the Commission, in this regard include:

- (i) There will be no further recruitment in Group 'D'.*
- (ii) The existing Group 'D' posts will be placed in Group 'C' Pay Band-1 with Grade Pay of Rs.1800.*
- (iii) The minimum qualification for appointment to this level will be either 10th pass or ITI equivalent.*
- (iv) Multi-skilling, with one employee performing jobs hitherto performed by different Group 'D' employees.*
- (v) Common Designation for these posts.*

2. Model Recruitment Rules (Annex-I) have been framed keeping in view the recommendations of the Pay Commission. All the Ministries/Departments are requested to amend the Recruitment Rules for the erstwhile Group 'D' posts as per the Model RRs and the recommendations of the Pay Commission.

3. Powers for framing/amendment of RRs for Group 'C' posts have already been delegated to Ministries/Departments. Therefore the RRs may be framed accordingly, in consultation with Ministry of Law without further reference to this Department. This Department needs to be consulted only if any deviations from the model RRs are proposed.

*4. Ministries/Departments may adopt the designation of **MULTI-TASKING STAFF** for some common categories of posts in the secretariat offices. Annex-II indicates the categories of erstwhile Group 'D' posts which may be given this designation and illustrative list of duties attached to these posts. For other categories of posts. Ministries/Departments may adopt single designation for posts whose duties are similar in nature and where the officials can easily be switched from on task to another. In all cases it may be ensured that:*

- a) The posts are classified as Group 'C'*
- b) The posts are placed in Pay Band-1 with Grade Pay of Rs.1800.*
- c) The minimum qualification for appointment is prescribed as 10th pass. Where technical qualifications are considered necessary. ITI in the relevant subject may be prescribed as the minimum qualification.*



5. Ministry of Home affairs etc. are requested to bring the contents of this O.M to the notice of all their Attached/Subordinate Offices. The autonomous/statutory bodies may adopt the same with the approval of the competent authority as per their rules/statutes.

6. Hindi version follows.

Sd/-
(J.A. Vaidyanathan)
Deputy Secretary to the Government of India
Tel. 2309 2112

To

1. All Ministries/Departments of Government of India
2. The President's Secretariat, New Delhi.
3. The Vice-President's Secretariat, New Delhi
4. The Prime Minister's Office, New Delhi
5. The Cabinet Secretariat, New Delhi
6. The Comptroller and Auditor General of India, New Delhi
7. The Union Public Service Commission, New Delhi
8. The Staff Selection Commission, New Delhi

16. After the recommendation of the Sixth Pay Commission, and with the abolition of Group-D posts, it is thus seen that it became structurally impossible to consider the petitioners for regularization. Further, it is noted that the University does not possess the autonomous power to unilaterally regularize the petitioners, unless directions were received from the DoPT, after due approval and extended by the UGC or the Ministry of Education. It is also noted that the respondent University, had vide letters dated 06.02.2023 and 14.08.2023, written to the Ministry of Personnel, Public Grievances and Pensions (DoPT), with a copy to the UGC pertaining to the



case of the petitioners, which however, was regretted by the said authorities. Another aspect, it is noticed which has prevented the absorption and regularization of the petitioners into Group-C posts, is the fact that they do not possess the requisite qualification to occupy the same.

17. In these circumstances therefore, notwithstanding the long years put in by the petitioners in service, no relief is available or can be granted to the petitioners under the Scheme of 1993, over which the respondent University has no authority or control over its implementation.

18. Accordingly, for the reasons aforementioned, the writ petition stands dismissed and is disposed of.

Judge

Meghalaya
07.09.2026
"D.Thabab-PS"