

GOVERNMENT OF MIZORAM
DEPARTMENT OF PERSONNEL AND ADMINISTRATIVE REFORMS
(GENERAL SERVICE WING)

No.C.18013/35/2018-P&AR(GSW)

Aizawl, the 18th July, 2019

O R D E R

Whereas Environment, Forests & Climate Change (EF&CC) Department submitted a proposal to the Government in the Department of Personnel & Administrative Reforms (DP&AR) for relaxation of the Mizoram Ministerial Service Rules, 2011 as amended in favour of the following three seniormost LDC (Muster Roll employees) since the candidates did not possess the requisite educational qualification (i.e. HSSLC in case of LDC) as prescribed by the relevant recruitment rules for the purpose of their regularisation:

- a) Lalramsangi, LDC (Muster Roll)
- b) Dengthantluangi, LDC (Muster Roll)
- c) Lalramchhani, LDC (Muster Roll)

Whereas the Government in DP&AR examined the proposal in detail, taking into consideration the fact that the above Muster Roll employees were eligible in terms of the recruitment rules in force at the time of their initial engagement which prescribed HSLC only as the educational qualification for recruitment to the post of LDC.

Whereas rule 15 of the Mizoram Ministerial Service Rules, 2011 empowered the Governor to relax the recruitment rules whenever the Governor is satisfied that the operation of any of these rules causes undue hardship in any particular case or in the exigencies of public service as well as for effective implementation of these rules subject to such conditions as he may consider necessary from time to time.

Whereas the Governor decided to relax the relevant provision of the respective recruitment rules in favour of the above Muster Roll employees for the purpose of their regularisation since they were eligible in terms of the recruitment rules in force at the time of their initial engagement.

Whereas the notification for one time relaxation of the recruitment rules in favour of the seniormost LDC's (Muster Roll) was issued vide No.A-12031/1/2016-P&AR(GSW) dt. 08.08.2018 with a condition that they obtain the educational qualification as prescribed by the said recruitment rules within 5 years from the date of their regular appointment failing which their appointment shall stand nullified.

Whereas K. Zoremsiama and Lalrinmawii, both LDC (Muster Roll employees) in Environment, Forests & Climate Change (EF&CC) Department and placed at serial number 9 and 10 in the seniority list of LDC (Muster Roll), submitted

a representation to the Principal Chief Conservator of Forests dated 28.08.2018 to consider their case for regularisation as per the Government of Mizoram Regularisation of Muster Roll Employees Scheme, 2018 since they had rendered 9 years of service as LDC (Muster Roll) and their seniors in the seniority list of LDC (Muster Roll) viz. Lalramsangi, Dengthantluangi, Lalramchhani and Lalrinengi did not possess the educational qualification for recruitment to the post of LDC.

Whereas K. Zoremsiama and Lalrinmawii, both LDC (Muster Roll employees) filed a writ petition before the Hon'ble Gauhati High Court viz. *WP(C) No. 117/2018 Lalrinmawii & Anr vs State of Mizoram & 6 Ors*, being aggrieved by the action of the Government for one time relaxation of the recruitment rules in favour of the seniormost LDC's (Muster Roll) vide No.A-12031/1/2016-P&AR(GSW) dt. 08.08.2018.

Whereas the judgement and order of the Hon'ble Gauhati High Court dated 19.03.2019 in *WP(C) No. 117/2018 Lalrinmawii & Anr vs State of Mizoram & 6 Ors* directed the Secretary to the Government of Mizoram in DP&AR to consider and dispose of the representation submitted by the petitioners by way of speaking order within a month of receipt of the same.

Whereas the Chief Secretary to the Government of Mizoram i/c DP&AR duly considered the representation of the petitioners for regularisation to the post of LDC and the grievances of the petitioners arising from the one time relaxation of the recruitment rules in favour of the seniormost LDC's (Muster Roll) vide No.A-12031/1/2016-P&AR(GSW) dt. 08.08.2018 vis-à-vis the condition of the private respondents who were eligible in terms of the recruitment rules at the time of their initial engagement but ineligible for regularisation as per the recruitment rules in force.

Now, therefore, I, LALHMINGTHANGA, Chief Secretary to the Government of Mizoram i/c DP&AR, after due application of mind, have come to the conclusion that the petitioners be placed in the zone of consideration for regularisation before the Departmental Promotion Committee as and when fresh vacancies in the post of LDC falling within the 35% quota reserved as per the Government of Mizoram Regularisation of Muster Roll Employees Scheme, 2018 for regularisation of Muster Roll employees arise in the Department and the notification for one time relaxation of the recruitment rules in favour of the seniormost LDC's (Muster Roll) vide No.A-12031/1/2016-P&AR(GSW) dt. 08.08.2018 may stand since the Government had taken the considered view to relax the recruitment rules in force pertaining to the educational qualification for the purpose of regularisation when the candidates were eligible in terms of the recruitment rules at the time of their initial engagement but ineligible on account of the change in the recruitment rules.

By order, etc

Sd/- LALHMINGTHANGA
Chief Secretary to the Govt. of Mizoram

Memo. No.C.18013/35/2018-P&AR(GSW)

Aizawl, the 18th July, 2019

Copy to:

- 1) The Secretary to Governor
- 2) The Commissioner & Secretary to Chief Minister
- 3) Sr. PPS to Chief Secretary
- 4) Principal Secretary, Environment, Forest & Climate Change Department
- 5) Principal Chief Conservator of Forest, Environment, Forest & Climate Change Department
- 6) Linda L. Fambawl, Government Advocate
- 7) Private petitioner and respondents in WP(C) No. 117/2018 Lalrinmawii & Anr vs State of Mizoram & 6 Ors.


18/7/19
(LALROHLUA)

Under Secretary to the Govt. of Mizoram
Deptt. of Personnel & Administrative Reforms