

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

WP(C) No. 90 of 2023

Y. Surendro Singh

... Petitioner

Vs.

State of Manipur & anr.

... Respondents

B E F O R E

HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH

02-02-2023

[1] Heard Ms. L. Sillori, learned counsel appearing for the petitioner and Mr. A. Vashum, learned GA appearing for the respondents.

[2] In view of the limited prayer made by the learned counsel appearing for the petitioner and as agreed by both the counsel appearing for the parties, the present writ petition is disposed of at the Motion stage itself.

[3] The present writ petition has been filed assailing the order dated 25-01-2023 issued by the Joint Secretary (Health & Family Welfare), Government of Manipur thereby effecting transfer and posting of 13 (thirteen) officers including the present petitioner. Under the said impugned transfer order, the petitioner has been posted from Bishnupur to Pherzawl.

[4] The case of the petitioner is that the petitioner is going to retire on attaining the age of superannuation within two years i.e., by 2024 and that under the transfer and posting policy of the State Government issued under Notification dated 12-05-2022, there is a policy for posting the official who is going to retire within two years near their home district. It has been submitted by the learned counsel for the petitioner that as the petitioner is going to retire within two years on attaining the age of superannuation, he has submitted a representation dated 27-01-2023 to the Additional Chief Secretary (Health & Family Welfare)/Commissioner of Food Safety, Government of Manipur and the Director of Health Services/ Additional Commissioner of Food Safety, Government of Manipur with a request for revoking the impugned transfer order and for allowing him to stay in his present place of posting i.e., Bishnupur District till he retires from his

service. It has also been submitted that the authorities have not yet considered and disposed of the said representation and that the petitioner is still at his earlier place of posting i.e., Bishnupur.

[5] The counsel for the petitioner submitted that the petitioner will be satisfied for the time being if the present writ petition is disposed of by passing an innocuous order thereby directing the Additional Chief Secretary and the Director of Health Services to consider the representation submitted by the petitioner strictly on its own merit and taking into consideration the transfer and posting policy of the State Government under the Notification dated 12-05-2022 and to dispose of the same by issuing a speaking order within a stipulated period and that pending consideration and disposal of the said representation, the petitioner be allowed to continue at his present place of posting.

[6] Mr. A. Vashum, learned GA fairly submitted that as the authorities are duty bound to consider the said representation submitted by the petitioner, he has no objection in disposing of the present writ petition as prayed for by the counsel for the petitioner.

[7] In view of the submission made by the learned counsel appearing for the parties and on perusal of the materials available on record, this court is the considered view that ends of justice will be made if the writ petition is disposed of by issuing the following directions:-

- (i) The Addl. Chief Secretary (Health & Family Welfare)/ Commissioner of Food Safety, Government of Manipur and the Director of Health Services/ Additional Commissioner of Food Safety, Government of Manipur are hereby directed to consider the representation dated 27-01-2023 submitted by the petitioner on its on merit and strictly in terms of the transfer policy issued by the Government under Notification dated 12-05-2022 and also by taking into consideration the health condition of the petitioner and to dispose of the same by issuing a speaking order within a period of two months from the date of receipt of a certified copy of this order.

- (ii) Pending consideration and disposal of the said report, it is hereby directed that the petitioner be allowed to continue at his present place of posting.

With the aforesaid directions, the present writ petition is disposed of.

JUDGE

Devananda