

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

WP(C) No. 159 of 2020

Thangjam Naor Singh

...Petitioner/s

Vs.

State of Manipur & anr.

...Respondent/s

**B E F O R E
HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH**

14-09-2023

Heard Mr.Anjan Prasad Sahu, learned counsel appearing for the petitioner and Mrs. L. Monomala, learned GA appearing for the respondents.

[2] The simple case of the petitioner is that the petitioner was appointed as Lecturer in Manipuri in the Tamenglong college w.e.f 23-07-1992 by an order issued by the Chairman, Governing Body, Tamenglong Collge, Tamenglong while the said college was a private college. Subsequently, the Government took over the said private college as a government college by issuing an order dated 16-03-1996 with certain conditions as mentioned in the said order. One of the said conditions is that the services of the staff of that college shall be absorbed in government services from the date of taking over of the college. Subsequently, the Under Secretary (High Education), Government of Manipur, issued an order dated 11-08-1999 appointing the petitioner into government service as Lecturer in Manipuri w.e.f. the date of issue of the said order subject to the condition that the final absorption will be made in accordance with the recommendation of the

MPSC pertaining to the suitability of the appointment in service conditions and inter-se-seniority in the concerned grade. Later on the Secretary, Education Department (College Section) issued another order dated 31-10-2000 ordering the protection of the past services and pay protection of the petitioner with notional effect including pension and gratuity benefits w.e.f. 23-07-1992, i.e. the date of initial appointment of the petitioner.

[3] Mr. Anjan Prasad Sahu, learned counsel appearing for the petitioner submitted that on the recommendation of the MPSC, the service of the petitioner was finally absorbed into government service by issuing an order dated 18-09-2019 by the Commissioner (Higher & Technical Education), Govt. of Manipur. The only grievance of the petitioner is that in the said order the date of initial joining of the petitioner to the post of Lecturer in the then private Tamenglong college is wrongly shown as 07-08-1995 instead of 23-07-1992. The learned counsel strenuously submitted that as per the materials available on record, there is no dispute to the fact that the petitioner was initially appointed to the then private Tamenglong college as Lecturer in Manipuri on 23-07-1992 and subsequently his service was absorbed in the government service and his past serve were protected by issuing an order dated 31-10-2000 by the Secretary, Education Department, Government of Manipur, with effect from the date of initial appointment.

[4] The learned counsel lastly submitted that the grievance of the petitioner will be redressed if this Hon'ble Court issued a direction to

the respondent No. 1 i.e. the Commissioner/Principal Secretary/Commissioner/Secretary (Higher & Technical Education), Government of Manipur, to correct the date of initial date of joining of the petitioner as reflected in the final absorption order dated 18-09-2019 as 23-07-1992 instead of 07-08-1995.

[5] Mrs. L. Monomala, learned GA appearing for the respondents submitted that as per available records, the initial date of joining of the petitioner is 7-8-1995 and the petitioner never approached the authorities at any point of time before filing the present petition for making any correction with regard to the initial date of his joining as Lecturer in the Tamenglong college. It has also been submitted by the learned GA that the petitioner should have first approach the authorities for making such corrections by producing necessary documents before approaching this Court by filing the present writ petition. The learned GA also submitted that the present writ petition is liable to be dismissed as the petitioner failed to approach the authorities before filing the present petition.

[6] I have heard the rival submissions of the learned counsel appearing for parties at length and also carefully examined the materials available on record. It is an undisputed fact that the petitioner joined service as Lecturer in Manipuri in the Tamenglong college when it was a private college. Subsequently, the said private college was taken over by the government and all the staff including the petitioner were absorbed in the government service initially by issuing an order

dated 11-08-1999 with the condition that the final absorption will be made in accordance with the recommendation of the MPSC. Subsequently, the Secretary, Education Department (College Section), issued another order dated 31-10-2000 protecting the past services and pay protection of the petitioner notionally w.e.f. the date of his initial appointment, i.e. 23-07-1992. Later on, the service of the petitioner was finally absorbed into government service on the recommendation of the MPSC by issuing an order dated 18-09-2019. However, in the said order, the initial date of joining of the petitioner to the post of lecturer is wrongly shown as 07-08-1995 instead of 27-07-1992. Since the Government had already given protection of the past service of the petitioner w.e.f. 23-07-1992 by issuing an order dated 31-10-2000, this Court did not see any reason for denying the benefit of the past service of the petitioner from that date. This Court is also of the considered view that the initial date of joining of the petitioner as shown in the final absorption order date 18-09-2019 is not correct.

[7] Taking into consideration the facts of the present case and the official documents produced by the petitioner, the existence of which have not been denied by the respondents, this Court is of the considered view that the petitioner is entitled to the relief sought for in the present petition. Accordingly, the present writ petition is disposed of by directing the respondent No. 1 to make necessary correction of the date of initial joining of the petitioner as 23-07-1992 instead of 07-08-1995 as shown in the final absorption order dated 18-09-1992. The

whole process should be completed within a period three months from the date of receipt of a certified copy of this order.

[8] With regard to the submission advanced by the learned GA appearing for the respondents, this Court is of the considered view that since the respondents have not disputed any of the records produced by the petitioner in the present writ petition, it will be expedient and in the interest of justice to dispose of the present writ petition as per direction given herein above instead of directing the petitioner to approach the authorities at this point of time.

[9] With the aforesaid directions, the present writ petition is disposed of. There is no order as to cost.

JUDGE

Dhakeshori

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by LAISHRAM
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