

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

Contempt Case (C) No.34 of 2022

Smti. Aichin Gangte, aged about 49 years, W/o (L) Major (Rtd.), Jamkholam Gangte, resident of I.B. Veng, Churachandpur, P.O., P.S. & District Churachandpur, Manipur – 795128.

... **Petitioner**

-Versus-

1. Dr. Rajesh Kumar, I.A.S., Chief Secretary (Home), Govt. of Manipur, Secretariat Building, P.O. & P.S. Imphal, District Imphal West, Manipur – 795001.
2. Ex. Col. Sushikumar Sharma, Secretary Rajya Sainik Board, Office of Secretary, Rajya Sainik Board, opp. Lamphel Police Station, P.O. & P.S. Lamphel, District Imphal West, Manipur- 795004.

... Respondents

BEFORE
HON'BLE THE ACTING CHIEF JUSTICE M.V. MURALIDARAN

For the Petitioner :: Mr. Anjan Prasad Sahu, Advocate

[illegible]

Date of Hearing and
reserving Judgment & Order :: 21.02.2023

Date of Judgment & Order :: **14.03.2023**

JUDGMENT AND ORDER
(CAV)

This contempt case has been filed by the petitioners to punish the respondents for their wilful disobedience of the order dated 23.5.2018 passed in W.P.(C) No.88 of 2017.

2. The grievance of the petitioner is that her late husband Major (Rtd.) Jamkholam Gangte had filed W.P.(C) No.88 of 2017 to direct the respondents to pay the wages/remuneration since the month of March, 2014 till the date of filing the writ petition at the rate of honorarium/engagement against which he was initially engaged to the said post. The said writ petition was disposed of by this Court on 23.5.2018 with a direction to the respondents to examine the claim of her husband for payment of the wages for the services rendered by him and if he had rendered services, he is entitled to the payment of remuneration. The said order of this Court was communicated to the respondents by the learned counsel. Despite having knowledge of this Court's order, the respondents failed to comply with the order, which necessitated the petitioner's husband in filing Contempt Case (C) No.166 of 2018 and during the pendency of the said contempt case, the petitioner's husband died on 19.4.2019. However, till date even after the death of the

petitioner's husband, the respondents failed to comply with the Court's order and the said Contempt Case (C) No.166 of 2018 was closed on 23.2.2022 with liberty to file fresh petition by the petitioner who is a widow of late Major Jamkholam Gante. Hence, the present contempt case.

3. Mr. Anjan Prasad Sahu, the learned counsel for the petitioner submitted that the petitioner is the wife of late employee and her husband filed W.P.(C) No.88 of 2017 for payment of the remuneration for the services rendered by him and by the order dated 23.5.2018, the said writ petition was disposed of with an observation and direction to the respondents to examine the claim of the petitioner's husband and if the petitioner's husband had rendered services, he is entitled to the payment of remuneration. Since the said order of this Court has not been complied, the petitioner's husband earlier filed Contempt Case (C) No.166 of 2018 before this Court. When the contempt case was taken up for hearing on 23.2.2022, the same was withdrawn with liberty to the legal representatives of the deceased petitioner to file a fresh contempt case. Since the order dated 23.5.2018 has not been complied with till now, the petitioner who is widow of the deceased employee has filed the present contempt case.

4. The learned counsel for the petitioner would submit that despite having clear knowledge about the order, the respondents have failed to comply the order of this Court, which act of the respondents amounts to contempt of court as defined under Section 2 of the Contempt of Courts Act, 1971 and, therefore, they should be punished for their wilful disobedience of the order of this Court.

5. Per contra, Mr. Y. Nirmolchand, the learned senior counsel appearing for the first respondent submitted that the Deputy Secretary (Home), Government of Manipur, vide his letter dated 10.11.2022, informed the learned counsel for the petitioner that already an amount of Rs.1,15,500/- was sanctioned vide order dated 22.8.2022 for the period of which the petitioner husband's service was extended i.e. with effect from March, 2014 to November, 2015 and, thus, the order of this Court dated 23.5.2018 passed in W.P.(C) No.88 of 2017 has been duly complied with.

6. The learned counsel appearing for the second respondent also submitted that the Home Department has accorded an administrative approval for Rs.1,15,500/- and the said amount has been drawn and paid to the petitioner and, thus, the order of this Court has been complied with.

7. This Court considered the rival submissions and also perused the materials available on record.

8. As could be seen from the records, after the withdrawal of the earlier Contempt Case (C) No.166 of 2018 filed by the petitioner's husband, the learned counsel for the petitioner addressed a letter dated 8.11.2022 to the Deputy Secretary (Home), Government of Manipur seeking to comply with the order of this Court dated 21.10.2022 passed in the instant contempt petition. In response, the Deputy Secretary (Home), Government of Manipur, addressed a communication to Mr.U.Augusta Singh, Jr. Advocate to Y Nirmolchand Singh, Sr. Advocate, wherein it has been stated as under:

"1. Late Major Jambkholam Gangte was appointed as Secretary, ZSB/Cepur on contractual basis for a period of one year vide Home Department Order dated 24.09.2009.

2. His contract services was extended upto 28.02.2014 vide Home Dept. Order dated 20.11.2014 (copy enclosed) and After this, no extension order had been issued and the last order dated 19.7.2022.

3. Home Dept. vide order dated 17.02.2015 paid remuneration upto 28.02.2014.

4. His services got terminated w.e.f. 1.12.2015 vide Home Department order dated 29.12.2015.

5. With regard to the Order dated 28.10.2016 issued by the Deputy Commissioner, Churachandpur, it is submitted that, there is no records for obtaining approval of the Government by the Deputy Commissioner, Churachandpur before issuing the said Order.

6. Home Dept. had called report from Secretary/RSB regarding the period of service rendered by late petitioner wherein it was replied that the petitioner continued to perform duties of Secretary/ ZSB, Churachandpur Voluntarily without remuneration till his death (copy of Secretary/ RSB letter No.RSB/ Cont.Case/2022 dated 18.5.2022 enclosed).

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7. Further, a report was called from the above DC wherein he replied vide his letter No.Est-CP-1/3/2022-DC(CCpr)-CCP dated 24.5.2022 that Late Shri Jamkholan Gangte Major (Retd) rendered services voluntarily as Secretary, ZSB Churachandpur till his death on 19.4.2019.

8. Hence, Home Department vide Order dated 19.7.2022 accorded ex-post facto

extension of the contractual period of service w.e.f. March 2014 to November 2015 (till his termination) (copy enclosed).

9. Further, an amount of Rs.1,15,500/- was sanctioned vide Order dated 22.08.2022 for the period of which his service was extended i.e. w.e.f. March 2014 to November 2015 (copy enclosed)."

9. At this juncture, the learned counsel for the petitioner submitted that the order dated 28.10.2016 was issued by the office of the Deputy Commissioner, Churachandpur whereby Major (Retd.) J.Gangte was temporarily assigned the work of Secretary, Zilla Sainik Board, Churachandpur with immediate effect until the appointment of regular Secretary of Zilla Sainik Board, Churachandpur was made. Therefore, there is no question of terminating the services of the petitioner's husband during November, 2015 as alleged by the respondents.

10. On a perusal of the order dated 22.8.2022, it is seen that the Governor of Manipur was pleased to accord administrative approval and expenditure sanction to an amount not exceeding Rs.1,15,500/- being payment of remuneration to the NOK of Late Major (Retd.) Jamkholam Gangte, then Secretary, Zilla Sainik Board, Churachandpour w.e.f. March,

2014 to November, 2015 (till the date of termination of contractual service) in compliance of the Hon'ble High Court's order dated 23.5.2018 passed in W.P(C) No.88 o 2017 read with the order dated 31.03.2022 passed in Contempt Case (C) No.34 of 2022. In the said order, it has been stated that the Secretary, Rajya Sainik Board, Manipur shall draw and disburse the sanctioned amount through DBT mode to the beneficiary (Smt. Aichin Gangte), NoK of Late Major (Retd.) Jamkholam Gangte, then Secretary, Zilla Sainik Board, Churachandpur.

11. It is not the case of the petitioner that the said amount of Rs.1,15,500/- has not been drawn and paid to her. Further, if the petitioner is having any grievance over the order dated 22.8.2022 passed by the Deputy Secretary (Home), Government of Manipur and also the communication dated 10.11.2022 of the said authority, she can very well challenge the same in the manner known to law and the merits of the order dated 22.8.2022 and the communication dated 10.11.2022 cannot be gone into in this contempt jurisdiction.

12. In view of the above, the present contempt case is closed. However, liberty is granted to the petitioner to challenge the order dated 22.8.2022 and the communication dated 10.11.2022 of the Deputy Secretary (Home), Government of

Manipur in the manner known to law, if she is aggrieved. No costs.

ACTING CHIEF JUSTICE

FR/NFR

Sushil