

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

WP(C) No. 355 of 2022

S. Indra Singh

... Petitioner

Vs.

State of Manipur & ors.

... Respondents

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

23-08-2023

[1] Heard Mr. N. Jotendro, learned senior counsel assisted by Syed Murtaza Ahmed, learned counsel appearing for the petitioner and Mr. M. Devananda, learned Addl. AG assisted by Mr. Tomclist, learned counsel appearing for the respondents

[2] The present writ petition had been filed with a prayer for quashing and setting aside the impugned order dated 15-03-2022 issued by the Under Secretary (Vety. & A.H.), Government of Manipur on the ground that the said order was not issued in conformity with the order dated 11-11-2001 passed by this court in WP(C) No. 699 of 2021 coupled with a prayer for directing the respondents to take up necessary action including suspension or disciplinary action against the Under Secretary, who passed the impugned order.

[3] According to the petitioner, while he was serving as a Veterinary Officer, he was assaulted by 7 (seven) employees of the Veterinary & Animal Husbandry Department on 12-03-2013 and accordingly, the petitioner lodged a complaint before the Porompat P.S. and in connection with the said case, an FIR No. 235(8)2013 was registered. The petitioner subsequently filed a representation dated 01-07-2021 to the Hon'ble Minister of Veterinary, Chief Secretary to the Government of Manipur and the Commissioner (Veterinary) requesting to take actions against the aforesaid seven employees by placing them under suspension as provided under the CCS (CCA) Rules, 1965. When the authorities failed to consider the said representation, the petitioner approached this court by filing WP(C) No. 699 of 2021 for redressing his grievances. The said representation was disposed of by this court by an order dated 11-11-2021 with the following directions:-

“15. In view of the above, without going into the merits and demerits of the case, this court is inclined to pass the following orders:-

- (a) The writ petition is disposed of.***
- (b) The respondent authorities are directed to consider the representation of the petitioner dated 1.7.2021 within a period of eight weeks from the date of receipt of a copy of this order, after affording a reasonable opportunity to all concerned.***
- (c) It is made clear that this court has not delved into the merits of the case in the Criminal (Complaint) Case No. 44 of 2021 filed by the petitioner which is stated to be pending before the Chief Judicial Magistrate, Imphal East and it is for the Chief Judicial Magistrate, Imphal East to decide the merits of the complaint in accordance with law uninfluenced by the observation, if any made in this order.***
- (d) No costs.”***

[4] In compliance with the aforesaid directions given by this court, the Under Secretary (Vety. & A.H.), Government of Manipur issued an order dated 15-03-2022 thereby declining to take up any action in terms of the representation submitted by the petitioner. Having been aggrieved, the petitioner approached this court again assailing the said order dated 15-03-2022 and for issuing a direction to take disciplinary action against the Under Secretary (Vety. & A.H.), Government of Manipur, who issued the said impugned order.

[5] Mr. N. Jotendro, learned senior counsel appearing for the petitioner submitted that under Rule 10(1)(b) of the CCS(CCA) Rules, 1965, it is provided that a Government employee can be placed under suspension where a case against him in respect of criminal offence is under investigation/ inquiry or trial. It has been submitted that in the present case as there is criminal case pending against those seven employees, the petitioner have the right to request the authorities for placing those Government employees under suspension in terms of the provisions under Rule 10(1)(b) of the CCS (CCA) Rules, 1965. The learned senior counsel further submitted that since the authorities have not acted in terms of the provisions of the CCS(CCA) Rules, the impugned order is liable to quash

and set aside and the authorities may be directed to take up appropriate action in terms of the provisions of CCS(CCA) Rules, 1965.

[6] Mr. M. Devananda, learned Addl. AG appearing for the respondents submitted that the concerned Police Officer have filed a Final Report No. 30/PRT-P.S./2020 in connection with the FIR case registered on the basis of the complaint lodged by the petitioner and the said Final Report has been accepted by the Court of the Chief Judicial Magistrate, Imphal East, Manipur on 06-07-2022 and as such, no criminal cases were pending against the aforesaid seven Government officials. The learned Addl. AG further submitted that since the Police have submitted a FR on the ground that no prima facie case has been made out against the accused persons and as the competent criminal court has accepted the Final Report, there is no question of taking up any action on the basis of the request made by the petitioner in his representation. The learned Addl. AG further submitted that the petitioner has no vested or enforceable right under law to demand for taking action against the Government employees including the issuance of suspension order on the mere ground of filing an FIR. The learned Addl. AG, accordingly, submitted that the present writ petition has been filed on the basis of misconceived facts and law and accordingly, the present writ petition is liable to be dismissed as being devoid of merit.

[7] I have heard the rival submissions advanced by the learned counsel appearing for the parties and also carefully examined the materials available on record. On careful examination, this Court found that the FIR lodged by the Police on the basis of the complaint made by the petitioner had already been closed on the acceptance of the Final Report submitted by the police by the competent criminal court on the ground that no prima facie case has been made out and accordingly, it is clear that no criminal cases are pending against the aforesaid seven officials. Moreover, this Court is also of the considered view that whether a disciplinary action shall be taken up against a Government employee or whether a Government employee will be placed under suspension is in the exclusive domain of the appointing authorities and such action can be taken up only after taking into consideration the conduct or action of the concerned Government employee and in terms of the relevant rules. Accordingly, the petitioner has no vested or enforceable right to demand or claim for placing a Government employee under suspension on the mere

ground that he has filed a complaint case against the Government employee.

Moreover, as the concerned authorities have already considered and disposed of the representation submitted by the petitioner by issuing a reason and speaking order in terms of the directions given earlier by this court, this Court did not find any ground or reason for interfering with the impugned order.

In the result, the present writ petition is hereby dismissed as being devoid of merit. Parties are to bear their own cost.

JUDGE

Devananda

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

MC(WP(C)) No. 36 of 2023

Asem Rangina Chanu

... Applicant

Vs.

S. Indra Singh & ors.

... Respondents

With

WP(C) No. 830 of 2022

B E F O R E

HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH

23-08-2023

As prayed for by Mr. N. Jotendro, learned senior counsel appearing for the petitioner, list these cases again on 24-08-2023.

JUDGE

Devananda

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

WP(C) No. 489 of 2022

S. Indra Singh

... Petitioner

Vs.

State of Manipur & ors.

... Respondents

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

23-08-2023

Heard Mr. N. Jotendro, learned senior counsel assisted by Syed Murtaza Ahmed, learned counsel appearing for the petitioner and Mr. M. Devananda, learned Addl. AG assisted by Mr. Tomclist, learned counsel appearing for the respondents.

Heard in part.

As prayed for, list this case again on 24-08-2023 for further hearing.

JUDGE

Devananda