

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

WP(C) No. 504 of 2023

Md. Tapsir; & Others.

....*Petitioners*

- Versus -

State of Manipur; & Ors.

...*Respondents*

BEFORE

HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA

18.07.2023

[1] Heard Mr.Ajmal Hussain, learned counsel for the petitioner, Mr.H.Samarjit, learned GA for respondent Nos.1, 2 and 3 and Mr.W.Darakishor, learned standing counsel for respondent Nos.4 and 5.

Mr.Ajmal Hussain, learned counsel for the petitioner submits that the petitioners are Home Guards on reserved strength and in pursuance of the Memorandum of Understanding signed between the State Government, Home Department and the Divisional Manager FCI on 1.12.2020, the petitioners are engaged with the FCI office and Godown in Imphal and other different stations on the payment made by the hiring department i.e. FCI directly submitted to the Home Department again.

The MOU is for engagement of one year and may be renewed after one year on the basis as per clause (g) of the MOU, one month formal information/notice to the competent authority shall be sufficient for withdrawal of the Home Guard personnel from the FCI offices. Clause 1(f) of the MOU stipulates that the Home Guard Personnel are under the control of the State Government and they are not employees of the FCI directly or indirectly. Clause (f) reads as follows:

"f. No Home guard personal can claim to be an employee of FCI directly or indirectly. The Home Guard personnel are under the State Govt and their service is utilized by FCI on paid basis. The Home Guard Personnel so deployed will be governed by the Rules and Regulations of the Home Guard Personnel of the Manipur Police."

The Divisional Manager, FCI Imphal issued notice dated 26.03.2023 to the Commandant Home Guard, Manipur for premature termination of the MOU w.e.f. 31.07.2023 in terms of the clause 1(g) of the MOU. Consequent upon the notice of termination issued by the FCI, the Commandant, Home Guard Manipur issued notices dated 30.06.2023 informing the petitioners and others about the termination of the engagement of Home Guards at FCI offices and discontinuation of engagement w.e.f. 31.07.2023 and disengagement from 1.8.2023.

The petitioners are challenging the notices dated 30.06.2023 issued by the Commandant, Home Guard Manipur to them.

Heard learned counsel for the parties and this court is of the view that the matter can be disposed of at this stage. On perusal of the prayer in the writ petition, the petitioners are praying for quashing and setting aside of the notice dated 30.06.2023 issued by the Commandant, Home Guard, Government of Manipur, disengaging the petitioners and others from utilizing at FCI offices.

If the said order is stayed and set aside, the outcome will be a direction to engage the petitioners and others at the FCI offices. This Court is of the view that the same will not be possible in view of the termination notice dated 23.06.2023 issued by the Divisional Manager FCI to the Commandant, Home Guard, Manipur. After premature cancellation of the MOU, the petitioners have no inherent right to be engaged at different FCI Godowns in view of the para 1 (f) and (g) of the MOU.

Mr.Ajmal Hussain, learned counsel for the petitioner submits that the petitioners are apprehensive of their names being struck off from reserved strength of Home Guards Manipur. However, Mr.Hussain has failed to produce any document that the State Government is contemplating for removing their names from the reserved strength of Home Guards Manipur.

This Court is of the view that the apprehension of the petitioners is premature and is without any material. Hence the writ petition is disposed of with the observation that the petitioners may approach the State Government for their engagement in any other station other than FCI for which the MOU has

been terminated. The State Government shall consider their representation sympathetically as per rule

With the above observation the writ petition is disposed of. This Court does not express any opinion on the merit of the case.

JUDGE

Priyot