

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

W.P. (C) No. 489 of 2022

Dr. S. Indra Singh, aged about 61 years old, S/o (Late) S. Gourachand Singh, a resident of Haoreibi Mayai Leikai, P.O. & P.S. Wangoi, Imphal East District, Manipur – 795009, at present under suspension by a Govt. impugned order dated 06-04-2022.

... Petitioner

-Versus-

- 1.** The State of Manipur, represented by the Chief Secretary (DP & AR), Government of Manipur, Old Secretariat, South Block, P.O. & P.S. Imphal, Imphal West District, Manipur-795001.
- 2.** The Secretary (Vety. & A.H.), Government of Manipur, New Secretariat, North Block, P.O. & P.S. Imphal, Imphal West District, Manipur -795001.

... Respondents

- 3.** Asem Rangina Chanu, Deputy Secretary (DP) on 07 .01.2022 and Under Secretary (DP) on 08.01.2022, Government of Manipur, Old Secretariat, South Block, P.O. & P.S. Imphal, Imphal West District, Manipur-795001.
- 4.** Dr. Chabungbam Nandakishore Singh (Retired Director of Veterinary, Manipur), Thangmeiband Sinam Leikai, P.O. & P.S. Imphal, Manipur-795001.

... Private Respondents

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

For the Petitioner	::	Mr. N. Jotendro, Sr. Advocate asstd. by Syed Murtaza Ahmed, Advocate
For the respondents	::	Mr. M. Devanana, Addl. AG asstd. by Ms. Jyotsana, Advocate
Date of Hearing	::	24-08-2023
Date of Order	::	29-08-2023

O R D E R

[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 Ms. Jyotsana, learned counsel appearing for the respondents.

The petitioner who was serving as a Deputy Director (Vety.) filed the present writ petition after his retirement from service assailing the order dated 08-01-2022 issued by the Under Secretary (DP), Government of Manipur appointing on promotion the respondent No. 4 as Director (Vety. & A.H) Department only on the ground that the said order was issued on a second Saturday, which happens to be an official holiday.

[2] The facts of the present case, in a nutshell, is that the Special Secretary (DP), Government of Manipur submitted a Memorandum for Cabinet proposing a one time relaxation of the requirement of four years of service as Manipur Veterinary Service Grade - II for promotion to Manipur Veterinary Service Grade - I as provided under the Recruitment Rules for the post of Director (MVS Grade - I) in the Department of Veterinary and Animal Husbandry, Manipur. The said proposal was considered by the State Cabinet on 04-01-2022 and the said proposal was approved by the Cabinet. Subsequent to the approval of the Cabinet, the Deputy Secretary (DP), Government of Manipur issued 3 (three) notifications, all dated 07-01-2022. One of the notification pertains to one time relaxation of the requirement of four years as MVS Grade – II for promotion to MVS Grade – I as provided under the Manipur Veterinary Services Rules, 1994,

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another notification pertains to amendment of the Manipur Public Service Commission (Exemption from Consultation) Regulations, 1972 and the third notification pertains to notifying a meeting of the Departmental Promotion Committee to be held on 08-01-2022 at 09:30 a.m. to consider the appointment by promotion to the post of MVS Grade – I (Director/ Vety. & A.H.), Manipur. The said DPC meeting was held on 08-01-2022 as scheduled earlier and the said DPC recommended the respondent No. 4 for appointment by promotion to the post of Director of Vety. & Animal Husbandry Department, Manipur. Consequent upon the recommendation made by the said DPC, the Under Secretary (DP), Government of Manipur issued the impugned order dated 08-01-2022 appointing the respondent No. 4 as Director of Vety. & Animal Husbandry Department. The present writ petition has been filed assailing the said promotion order.

[3] Mr. N. Jotendro, learned senior counsel appearing for the petitioner submitted that in Column 10 of the Manual of Office Procedure published for official use, the normal hour of attendance for Government of Manipur Secretariat Offices located in Imphal are provided as 10:00 a.m. to 04:30 p.m. in all working days and that office will remain closed on the second Saturday of each month. According to the learned senior counsel, as per Column 10 of the said Manual of Office Procedure, office will remain closed on the second Saturday of each month, however in the present case, the authorities of the State Government held the DPC meeting and issued the appointment order of the respondent No. 4 on a second Saturday in complete violation of the provision of Column 10 of the Manual of Office

Procedure. The learned senior counsel vehemently submitted that on this count alone, the impugned order dated 08-01-2022 is liable to be quash and set aside by issuing a writ of quo-warranto as the said impugned order had been issued in violation of the provisions under clause 10 of the Manual of Office Procedure.

[4] Mr. M. Devananda, learned Addl. AG appearing for the respondents submitted that in Clause 20 of the said Manual of Office Procedure, it is, inter alia, provided that the Secretary may order in the interest of work that the whole or part of office shall remain open on any holiday. The learned Addl. AG, accordingly, submitted that there is no absolute prohibition on employees working on holidays and that it has been resorted to many times in the past whenever there are exigencies of work, such as, when the Government business has to be transacted immediately or a deadline has to be met. Mr. M. Devananda, learned Addl. AG further submitted that the authorities of the State Government have not violated any provisions of the statutory acts or rules while issuing the impugned order and that the present writ petition had been filed on the basis of misconceived fact and law and accordingly, the same is liable to be dismissed as being devoid of merit.

[5] I have heard the submissions advanced by the learned counsel appearing for the parties and also carefully examined the materials available on record. On careful examination of the provisions under Clause 10 and 20 of the aforesaid Manual of Office Procedure which was published

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for official use only, this court is of the considered view that there is no absolute bar or prohibition imposed on opening any office or transacting Government business on any holiday including second Saturday. Moreover, nothing has been placed before this court to show that the said Manual of Office Procedure published for official use only has any statutory force.

[6] In view of the above, this court did not find any ground or reason for issuing a writ of quo-warranto for quashing and setting aside the impugned order dated 08-01-2022. In the result, the writ petition fails and accordingly, the same is hereby dismissed as being devoid of merit. However, without any order as to cost.

JUDGE

FR / NFR

Devananda