

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

WP(C) No.616 of 2021

Hargovind Dayal Shakyawar ... Petitioner

-Versus-

Union of India ... Respondents

**BEFORE
HON'BLE MR. JUSTICE A.GUNESHWAR SHARMA**
22.11.2023

Heard Mr.K.R.Pamei, learned counsel for the petitioner and Mr.W.Darakishwar, learned Sr.PCCG assisted by Ms.Nina, learned counsel for the respondents.

[2] The petitioner has approached this Court for conducting a review DPC and promote him to the post of Assistant Engineer (Electrical/Mechanical) in the BRTF. The prayer in the writ petition is as follows:

" It is therefore most respectfully prayed that this Hon'ble Court may graciously pleased to:

- i. Issue writ in the nature of Mandamus and/or any other appropriate writ of the like nature, that this Hon'ble Court deems fit and proper directing the Respondents to review the DPC and promote the petitioner to the post of Assistant Engineer (Electrical & Mechanical);
- ii. Pass any other appropriate writ/ order/ direction that this Hon'ble Court deems fit and proper.

AND IN THE INTERIM

In the interim, it is prayed that the Hon'ble Court may be graciously pleased to make an observation that, the pendency of the present writ petition shall not be a bar on the way of the respondents to consider the representation of the petitioner dated 26.08.2021 for promoting the petitioner to the post of Assistant Engineer (Electrical & Mechanical) from Junior Engineer (Electrical & Mechanical)."

[3] Mr.K.R.Pamei, learned counsel for the petitioner submits that in the order dated 25.06.2021 issued by the Under Secretary to the Govt of India, Ministry of Defence, Border Roads Development Board, promoting thirty one persons as Assistant Engineers from the post of Junior Engineer, the petitioner's name was left out. Accordingly, the petitioner approached this Court by way of the writ petition for appropriate relief.

[4] Mr.W.Darakishwar, learned Sr.PCCG submits that during pendency of the present writ petition, the petitioner was promoted to the post of Assistant Engineer in the BRTF and as such the only prayer made in the writ petition has been satisfied and cause of the petition does not survive.

[5] Mr.K.R.Pamei, learned counsel for the petitioner submits that the petitioner ought to be promoted w.e.f. 25.06.2021 on which date similarly situated persons, who were senior to him, were promoted to the post of Assistant Engineer, and the case of the petitioner still survives.

[6] Heard the rival submissions made at the Bar and perused the materials on record. On perusal of the prayer (i) in the writ petition, which is for conducting a review DPC and promote the petitioner to the post of Assistant Engineer (Electrical & Mechanical) and as there is no prayer for promoting w.e.f. 25.06.2021, the relief

cannot be granted at this stage as the same was not prayed for in the writ petition.

[7] Mr.K.R.Pamei, learned counsel for the petitioner submits that he may be granted liberty to approach the competent authority for considering his case for seniority as per Rule.

[8] Recording this, the writ petition is disposed of with liberty to the petitioner to approach the competent authority for the grievance, if any.

With this observation, the writ petition is disposed of.

No cost.

JUDGE

Priyojit

RAJKUMAR
R PRIYOJIT
SINGH

Digitally signed
by RAJKUMAR
PRIYOJIT SINGH
Date: 2023.11.23
13:57:45 +05'30'