

IN THE HIGH COURT OF MANIPUR
AT IMPHAL
W.P. (C) No.537 of 2023

Hidam Brojen Singh and 12 Ors.

...*Petitioner/s*

- *Versus* -

State of Manipur and 2 Ors.

...*Respondent/s*

BEFORE
HON'BLE THE ACTING CHIEF JUSTICE M.V.MURALIDARAN
O R D E R

02.08.2023

[1] Heard Mr. M. Hemchandra, learned senior counsel assisted by Mr. Juno Rahman, learned counsel for the petitioners and Mrs. Ch. Sundari, learned Government Advocate for the State respondents.

[2] Mr. M. Hemchandra, learned senior counsel for the petitioners represented that he has filed the present writ petition seeking the prayers which reads as follows:

- (i) "To admit the present writ petition.
- (ii) To issue rule nisi calling upon the respondent to show cause as to why prayer made by the petitioners shall not be granted in the facts and circumstances of the present petition &
- (i) To issue a writ in the nature of Mandamus/Certiorari or any other appropriate writ/ directions/ orders, directing the respondent to consider and dispose of the representation dated 01-07-2016 (AT ANNEXURE-A/4 Colly), representation dated 20-09-2021 (AT ANNEXURE-A/7) and reminder representation dated 24-07-2023 (AT ANNEXURE-A/10) submitted by the petitioners, judiciously, by

issuing reason and speaking order, in view of the fact and circumstances of the present petition.

(ii) If no cause is shown or insufficient cause is shown, make the rule absolute.

(iii) To call for the relevant records.

(iv) To pass any order/ writ/ directions which the Hon'ble Court deem fit and proper in the facts and circumstances of the present case.

-AND-

IN THE INTERIM, pending disposal of the present writ petition, Your Lordship's may be gracious enough to pass appropriate interim order to consider and dispose of the reminder the representation dated [01-07-2016](#) (AT ANNEXURE-A/4 Colly), representation dated [20-09-2021](#) (AT ANNEXURE-AJ7) and reminder representation dated [24-07-2023](#) (AT ANNEXUREAJ10) submitted by the petitioners, judiciously, by issuing reason and speaking order, at the earliest, to meet the ends of justice and also to protect the rule of law. Your Lordship's humble petitioner as in duty bound shall ever pray."

[3] Mr. M. Hemchandra, learned senior counsel for the petitioners further represented that the petitioner for ventilating their grievances, has submitted his representation to the respondents dated 01.07.2016 which is enclosed at A/4 (Colly), even after the lapse of 5 years, no action was taken by the respondents and therefore, he again submitted another representation dated 20.09.2021 which is annexed as A-7 in the writ petition. Later on, after two years i.e., 24.07.2023 and the remainder dated 24.07.2023 was also submitted to the respondents but no action was taken for consideration by the respondents.

[4] Mr. M. Hemchandra, learned senior counsel for the petitioners requested the respondents for considering their entitled service benefit from the date of their initial appointment on contract basis. Admittedly the petitioners have given individual representations but all the representations have been pending unconsidered. Therefore, after 5 years, on 20.09.2021 all the

petitioners jointly made a representation to the respondents by stating that after rendering 23(twenty three) years of faithful service in the respondents Department, the petitioners were already retired from service because of the non-regularization of the petitioners' services who were served from 2004 onwards but the petitioners' service benefit and any other benefits were not given by the respondents.

[5] Mr. M. Hemchandra, learned senior counsel further represented that in similarly situated cases, the State Cabinet has approved to link up their past service of newly regularized 302 Government College Teachers purely for the purpose of pensionary benefit only but in the case of the petitioner, the respondents failed to regularize for paying the pensionary benefit to the petitioner but the said representation was also unconsidered by the respondents and their remainder representation dated 24.07.2023 which was also pending till date without consideration. Therefore, Mr. M.Hemchandra, learned senior counsel for the petitioner submitted that after rendering of 23 years of service in the respondents Department without regularizing their services, admittedly the petitioners have retired. But no service benefit or pensionary benefit have been paid by the respondents to the petitioners and therefore, they have given above representations but all of them are still pending unconsidered.

[6] Therefore, Mr. M. Hemchandra, learned senior counsel for the petitioner prayed this Court that the respondent may be directed to consider the petitioner representation dated 01.07.2016, 20.09.2021 and the remainder representation dated 24.07.202 by directing the respondents to pass an appropriate speaking order within a stipulated period of time by this Court.

[7] Mrs. Ch.Sundari, learned Government Advocate who takes notice for the State respondents represented that the petitioner have given representation

initially on 01.07.2016 but they have not persuaded the said representation for the last 5 years, thereafter, only they have given further representation on 20.09.2021 and the remainder dated 24.07.2023. Therefore, she made no objection if the respondents are directed to consider their representation dated 20.09.2021 and the remainder dated 24.07.2023, they are ready to consider it but some breathing time may be given to the respondents to pass an appropriate order.

[8] Considering the nature of the argument advanced by both the counsels, this Court is inclined to consider the case of the petitioner. Since the prayer sought for only to issue the mandamus directing the respondents to consider the petitioners' representation which was given in the year of 2016, further representation 2021 and the remainder representation dated 24.07.2023. Since the representation given by the petitioner on 01.07.2016 is pending from 2016 onward, the petitioners have also not followed the authority concerned and therefore, it is appropriate to direct the respondents to consider the petitioners' representation dated 20.09.2021 and the remainder dated 24.07.2023 within a stipulated period of time.

[9] In the result,

- a). The present writ petition is disposed of.
- b). The respondents are directed to pass an appropriate speaking order on petitioners' representation dated 20.09.2021 and the reminder representation dated 24.07.2023.
- c). The said exercise shall be done within a period of 3(three) months from the date of the receipt of order copy of this order.

