

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

WP(C) No. 3 of 2022

Soram Amarjit Singh

... Petitioners

Vs.

State of Manipur & ors.

... Respondents

With

**WP(C) No. 987 of 2021 &
WP(C) No. 560 of 2022**

B E F O R E

HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH

25-01-2023

[1] Heard Mr. S. Lokendro, learned counsel appearing for the petitioners, Mr. Y. Ashang, learned GA appearing for the respondent No. 1, Mr. L. Raju, learned counsel appearing for the respondents No. 2 and 3 and Mr. Ajoy Pebam, learned counsel appearing for the respondents No. 4 and 5 in WP(C) No. 3 of 2022 and WP(C) No. 987 of 2021.

[2] As the facts and issues involved in all these three writ petitions are common, the three writ petitions are being disposed of by this common order.

[3] The case of the petitioners is that they were engaged on different capacities on daily wage basis for a period of 11 (eleven) months by different orders, all dated 03-04-2021 issued by the Municipal Commissioner, Imphal Municipal Corporation. The said order had been issued in pursuance of the resolution adopted in the Corporation's Monthly Normal Meeting No. 63 held on 30-01-2021. It is the case of the petitioners that pursuant to their engagement order, they rendered their services in their respective capacity and the authorities utilized their services without any objection or protest. However, their daily wages were not given by the authorities. The counsel for the petitioners submitted that while they were rendering their services, the Municipal Commissioner, Imphal Municipal Corporation issued an order dated 25-10-2021 cancelling their

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engagement orders on the ground that there were certain irregularities in the process of their engagement. The learned counsel vehemently submitted that before issuing the cancellation order dated 25-10-2021, the authorities neither gave any notice to the petitioners nor did the authorities hold any enquiry and that the impugned cancellation order had been issued arbitrarily, illegally and in complete violation of the principle of natural justice. The learned counsel further submitted that as the petitioners have been engaged for eleven months, they are entitled to continue till the completion of the period of their engagement.

[4] It has also been submitted that as the cancellation orders have been issued before completion of the period of engagement of the petitioners without giving any opportunity of being heard, the impugned order is not sustainable in the eyes of law and the same deserves to be quashed and set aside. The learned counsel also submitted that the authorities have not paid to the petitioners their wages despite utilizing their services pursuant to their engagement and accordingly, the learned counsel prayed that the respondents be directed to release to the petitioners their entitled back-wages for the services rendered by them.

[5] The stand taken by the official respondents in cancelling the engagement of the petitioners is that their engagement had been issued in violation of the Office Memorandum dated 04-03-2021 wherein it has been ordered that all ongoing recruitment processes (including daily wages, contract employment, muster roll, direct recruitment) being undertaken by all the Departments (including all agencies, undertakings, boards, corporation, etc. under them) which have already been approved by the State Cabinet shall continue, however the declaration of result should be put on hold until further orders in view of the State's economy and the precarious financial position of the State.

[6] Except for the reason given above, the authorities have not given any other reason for cancellation of the order. It has also not been

denied by the respondents that the impugned cancellation order had been issued without giving any prior notice and without holding any enquiry in that regard.

[7] After hearing the rival submissions advanced by the learned counsel appearing for the parties and on careful examination of the materials available on record, it is ascertained that the impugned cancellation order had been issued without giving any prior notice to the petitioners and without holding any enquiry whatsoever. It is also ascertained that in the impugned order, the only reason given for cancellation is that there was some irregularities in issuing their engagement order.

[8] In view of the above, this court is of the considered view that as the petitioners have been engaged on daily wages by the competent authority for a period of eleven months and as the authorities have already utilized the services of the petitioners before issuing the impugned cancellation order, authorities should have at least given to the petitioners prior notice before issuing the impugned cancellation order to have their say and that issuance of the cancellation order without observing the principle of natural justice is not sustainable in the eyes of law and accordingly, the impugned cancellation order is hereby quashed and set aside.

[9] The case of the petitioners is that they have not been paid their daily wages despite utilizing their services. On the other hand, the authorities submitted that after issuance of the impugned cancellation order, the services of the petitioners are not utilized by the authorities. Since the services of the petitioners have been utilized by the authorities at least with effect from the date of their engagement i.e., 03-04-2021 till the date of issuance of the cancellation order dated 25-10-2021, this court is of the considered view that the petitioners are entitled to get their daily wages for the period w.e.f. 03-04-2021 till 25-10-2021 as their services were

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utilized by the authorities during the said period. Accordingly, the respondents are directed to pay to the petitioners their due wages for the period w.e.f. 03-04-2021 till 25-10-2021. Insofar as the remaining period of their engagement, payment of their daily wages can be made by the authorities after verifying as to whether their services were utilized by the authorities after issuance of the cancellation order. It is made clear that the whole exercise should be completed within a period of one month from the date of receipt of a copy of this order.

With the aforesaid directions, the present writ petition is disposed of.

JUDGE

Devananda