



Item No. 20 (Motion)

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

WP(C) No. 601 of 2023

Dr. L. Ranjit Singh, aged about 64 years, S/o (Late) L. Chandra Singh of Kontha Ahallup Awang Leikai, P.O. Mantripukhri, P.S. Heingang, Imphal East District, Manipur – 795002.

.....PETITIONER

-Versus-

1. The Union of India, through the Secretary, Ministry of Health & Family Welfare, Government, Nirman Bhawan, New Delhi – 110001.
2. The Director, Regional Institute of Medical Sciences, Imphal, Manipur- 795001.

.....RESPONDENTS

B E F O R E

HON'BLE THE ACTING CHIEF JUSTICE MR. MV MURALIDARAN

For the Petitioners :: Mr. Y. Nirmolchand, Sr. Adv.

For the respondents :: Mr. Kh. Samarjit, DSGI

Date of Hearing &
Judgment & Order :: **28.08.2023**

**JUDGMENT & ORDER
(ORAL)**

Heard Mr. Y. Nirmolchand, learned senior counsel for the petitioner and perused the record.

2. Mr. Y. Nirmolchand, learned senior counsel for the petitioner represented that the petitioner has filed the present writ petition seeking the prayer as follows :

“It is therefore, prayed that Your Lordship’s be pleased to issue a Rule calling upon the respondents to show cause as to why a writ in the nature of mandamus or any other order or direction appropriate writ should not be issued as prayed for.

AND

To direct the Respondent No. 1 to dispose the representation dated 18/8/2023 (Annexure-A/5) on or before 30/8/2023.

OR

To pass any other order or direction that the Hon’ble High Court deems it fit and proper in the present case for the ends of justice.”

3. Mr. Y. Nirmolchand, learned senior counsel for the petitioner represented that originally, he has filed the writ petition challenging the order passed by the authority in WP(C) No. 65 of 2023 and this Court by order dated 03.06.2023 passed the following order :

“38. In the result,

(a) The writ petition is allowed and the order dated 16.1.2023 and the subsequent extension dated 10.4.2023 issued by the second respondent are set aside.

- (b) MC (WP(C)) No.121 of 2023 and MC(WP(C)) No.160 of 2023 are disposed of.
- (c) The respondents 1 to 4 are directed to give additional charge of Director, RIMS, Imphal to the petitioner till his retirement in the month of September, 2023.
- (d) Since the order dated 1.5.2023 has been issued without leave of Court and Dr. Guruaribam Sunil Kumar Sharma has not joined duty, this Court directs the respondents 1 to 4 not to give effect of the order dated 1.5.2023 issued by the Deputy Secretary to the Government of India, Ministry of Health and Family Welfare (NE Section) and the same shall be kept in abeyance.
- (e) There will be no order as to costs.”

4. Mr. Y. Nirmolchand, learned senior counsel for the petitioner represented that against the order, a writ appeal was filed before this Court and the available Bench of two judges were recused from hearing the writ appeal. Therefore, the respondent Union of India field a Transfer Petition(S) (Civil) No(S). 1764-1765/2023 before the Hon’ble Supreme Court in which the Hon’ble Supreme Court passed the order as follows :

“Issue notice returnable in four weeks.

Until further orders, proceedings initiated by the respondent in Writ Petition (Civil) No. 65 of 2023 and consequent Contempt Proceedings registered as Contempt Case (Civil)

No. 64 of 2023 pending before the High Court of Manipur shall remain stayed.”

And the said transfer petition is pending before the Hon'ble Supreme Court.

5. Mr. Y. Nirmolchand, learned senior counsel for the petitioner further represented that the order passed by the learned Single Judge of this Court in WP(C) No. 65 of 2023 is limited upto 31.08.2023 since the petitioner is going to retire on 31.08.2023. Therefore, he has given a representation on 18.08.2023 to the respondent i.e. the Secretary, Ministry of Health & Family Welfare, Government of India, Nirman Bhawan, New Delhi – 110001 by representing that there are pending litigation before the Hon'ble Supreme Court of India and High Court for final adjudication and therefore, the order passed by this Court in WP(C) No. 65 of 2023 is not complied with and the petitioner is going to retire on attaining the age of superannuation on 31.08.2023. For proper implementation of the Hon'ble Court's order stated above provided the petitioner succeeds in the pending litigation, the petitioner is bound to get the fruit of the above said order of the learned Single Judge. Therefore, the petitioner has given representation to the respondents seeking to extend his service for two months and 28 days beyond 31.08.2023 which shall be subject to the outcome of the pending litigation.

6. Apart from this, Mr. Y. Nirmolchand, learned senior counsel for the petitioner further stated that since the petitioner is going to retire on 31.08.2023 hardly within 4 (four) days from today, he approached this Court urgently and filed the present the writ petition seeking a direction to the respondents to consider his representation dated 18.08.2023 and to pass appropriate speaking order on or before 31.08.2023.

7. Mr. Kh. Samarjit, learned DSGI takes notice for the Respondents and strongly opposing for considering the petitioner's representation since the litigations are pending before the Hon'ble Supreme Court as well as the High Court the petitioner reopens the case seeking for further order for extension of his service to get the fruits of the order passed by this Court in WP(C) No. 65 of 2023, which is not at all maintainable.

8. Mr. Kh. Samarjit, learned DSGI further stated that if this Court is inclined to consider the prayer sought for by the petitioner and pass appropriate order on the petitioner's representation dated 18.08.2023, some breathing time may be granted to the respondents to pass order.

9. On hearing both sides, it is made clear that in respect of the order passed by this Court in WP(C) No. 65 of 2023 an appeal has

been filed before the Hon'ble Division Bench of High Court and transfer petition before the Hon'ble Supreme Court for transferring the case of writ appeal to the Gauhati High Court due to recusation of the Hon'ble Judges of this Court from hearing of the writ appeal are pending.

10. Apart from this, admittedly, the petitioner, should pursue his case before the Hon'ble Supreme Court as well as the Division Bench but while pendency of the case, he has given the present representation dated 18.08.2023 seeking to extend the service for 2 months and 28 days.

11. Since the petitioner has sought for only in the writ petitioner is to direct the respondents to consider the petitioner's representation dated 18.08.2023 and to pass appropriate speaking order no prejudice would be caused to the respondents. Apart from this, this Court has also not dealt the case on merits since the subject matter is pending before the Hon'ble Supreme Court and Hon'ble Division Bench of the High Court, this Court has no right to interfere with the case of the petitioner but in this present writ petition, the petitioner has sought for only direction to the respondents to consider his representation dated 18.08.2023 for extension of his service for 2 months and 28 days.

12. Therefore, considering the limited scope of arguments advanced by the learned senior counsel for the petitioner and the learned DSGI for the Respondent, I am inclined to pass the following orders :

- a) this writ petition is disposed of.
- b) the respondent, namely, the first respondent is directed to pass appropriate speaking orders on or before 31.08.2023 on the petitioner's representation dated 18.08.2023 since the petitioner is going to retire on 31.08.2023 by giving personal opportunity to the petitioner.
- c) It is made clear that this Court this Court has not considered the case on merits in this writ petition and liberty given to the first respondent to pass orders on its own merits.

13. Registry is directed to issue copy of this order to both the parties today itself.

ACTING CHIEF JUSTICE

FR/NFR
Sushil