

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

**WP(C) No. 672 of 2022 with
MC(WP(C) No. 235 of 2023**

Khangembam Ranjit Singh

.....Petitioner/s

- Versus -

State of Manipur & 2 Ors.

.... Respondent/s

BEFORE
HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA

Order

14.12.2023

[1] Heard Mr. Sh. Athoi Singh, learned counsel along with Mr. P. Jacob, learned counsel for the petitioner, Mr. Phungyo Zingkhei, learned Dy. G.A. for respondent Nos. 1 & 2 and Mr. S. Samarjeet, learned Sr. PCCG for respondent No. 3 (Accountant General Manipur).

[2] Vide order dated 27.01.2011 issued by the Under Secretary (Hr. Edn.), Government of Manipur, the resignation of the petitioner as Senior Lecturer in History Department, D.M. College of Arts, Imphal was accepted with effect from 27.01.2011. The petitioner approached this Court by way of the writ petition being WP(C) NO. 672 of 2022, inter-alia, praying for giving direction to the respondents to allow the petitioner to enjoy pension and other pensionary benefits for the services rendered by him.

[3] The prayers are reproduced as:

- “(i) Call for the records of the case and issue rule nisi calling upon the respondents to show cause as to why the prayer prayed for by the petitioner shall not be granted. And, after hearing them make the rule absolute;*
- (ii) Issue writ of mandamus and /or any other appropriate writ/order/direction to the respondents by directing them to allow the petitioner to enjoy pension and other pensionary benefits for the services rendered by him as lecturer in History of the Govt. Colleges within a stipulated period with interest thereon as permissible by the Reserve Bank of India within a stipulated period; and*
- (iii) Pass any other appropriate writ/order/direction that this Hon’ble Court deems fit and just in the interest of justice.”*

[4] During the pendency of the writ petition, the petitioner filed an application being MC(WP(C) No. 235 of 2023 under Order 6 Rule 17 CPC praying for amendment or rectification mistake appeared in the writ petition and proposing to insert prayer No. (ii) just after prayer No. (i) and just above prayer No. (ii) as “(ii) to issue writ of certiorari and/or any other appropriate writ or order of direction by quashinhg/setting aside the order dated 27.01.2011 (Annexure-A/16).”

[5] Mr. Sh. Athoi Singh, learned counsel for the petitioner, submits that the petitioner has never applied for voluntary retirement and as such, the order dated 27.01.2011 is required to be set aside as the same is illegal.

[6] The State respondent has filed counter affidavit as well as reply to the application for amendment. As reply to the application for amendment, it is pointed out that the application is not maintainable and bar by delay and lapses.

[7] During the course of hearing, learned Dy. G.A. as well as Mr. S. Samarjeet, learned Sr. PCCG, have raised objection that the nature of the writ petition will be changed if the proposed amendment is allowed and prayed for dismissal of the application.

[8] Heard the learned counsel for the parties and perused the materials on record.

[9] By the proposed amendment, the new cause of action does not prayed in the writ petition. In the writ petition, the only prayer is for enjoying pensionary benefits and by the proposed amendment, the petitioner proposed to challenge the acceptance of resignation order dated 27.01.2011. If proposed amendment is allowed, the main prayer and the amended prayer will be in contradictory.

[10] Mr. Sh. Athoi Singh, learned counsel for the petitioner, insists that if Annexure-A/16 is not set aside, the petitioner will suffer immensely and he wants to pursue his prayer as proposed in the proposed amendment only and wants to give up the main prayer enjoying the pension.

[11] This Court is of the view that he may be permitted to file a proper writ petition seeking appropriate relief of challenging the order dated 27.01.2011.

[12] Learned counsel for the respondents submit that this Court may pass appropriate order in view of the subsequent development of the case.

[13] Recording the submissions made at bar, the petitioner is permitted to withdraw the writ petition with liberty to approach the appropriate forum, if so advised.

[14] With this observation, writ petition is dismissed with the aforesaid liberty. Misc. application is also disposed of accordingly.

JUDGE

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