

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

Cont. Case (C) No. 124 of 2022

Ref: WP (C) No. 425 of 2021

Manipur Home Guards Employees Welfare Association, bearing Registration No. 84-SM/SR/1999 dated 15/3/1999, having its Registered office at Porompat, Imphal East, Manipur represented by its President Shri Y. Mangi Singh, aged about 68 years, S/o (L) Y. Lukhoi Singh, resident of Luwangshangbam Mayai Leikai, PO Mantripukhri & PS Heingang, Impahl East District, Manipur.

... PETITIONER

-VERSUS-

1. Shri Rajesh Agarwal, IAS, Principal Secretary (Home), Government of Manipur, office at Secretariat South Block, Babupara, PO & PS Imphal, Imphal West District, Manipur—795001.
2. P. DOUNGEL, Director General of Police cum Commandant General (Home Guards), Manipur, office at PHQ, Babupara, PO & PS Imphal, Imphal West District, Manipur—795001.
3. Ch. Adani, MPS, Commandant, Home Guards (VA), Manipur, office at Lamphelpat, PO Imphal & PS Lamphel, Imphal West District, Manipur—795004.

... RESPONDENTS/ CONTEMNORS

For the Petitioner	::	Mr. M. Hemchandra, Sr. Adv. Mr. Juno Rahman S., Advocate
For the Respondents	::	Mr. Y. Nirmolchand, Sr. Adv., Mr. L. Raju, Adv., Mr. U. Augusta, Adv., Mr. P. Tamphamani, Adv.
Date of Hearing and reserving Judgment & Order	::	20.01.2023
Date of Judgment & Order	::	17.02.2023

JUDGMENT AND ORDER
(CAV)

This contempt petition has been filed by the petitioner to punish the respondents for their willful disobedience of the order dated 7.4.2022 passed in W.P.(C) No.425 of 2021.

2. Heard Mr. M. Hemchandra, learned senior scounsel for the petitioner; Mr. Y. Nirmolchand, learned senior counsel for the first contemnor and Mr. P. Tamphamani, learned counsel for the contemnors 2 and 3.

3. Mr. Hemchandra, the learned senior counsel for the petitioner submitted that the contemnors knowing well the existence of the order dated 7.4.2022 passed in W.P.(C) No.425 of 2021 have not taken any concrete action and, therefore, the conduct of the contemnors amounts to willful and

deliberate disobedience of the order passed by this Court in W.P.(C) No.425 of 2022 dated 7.4.2022.

4. The learned senior counsel for the petitioner further submitted that on 16.4.2021, the petitioner submitted a representation for implementation/enforcement of the Police Department's letter dated 30.1.2021 read with the order dated 8.3.2021 issued by the Commandant General (Home Guards), Manipur. Since the said representation dated 16.4.2021 has not been considered by the authorities, the petitioner has filed W.P.(C) No.425 of 2021 for a direction on the respondents to implement the letter dated 30.1.2021 read with order dated 8.3.2021 issued by the Commandant General (Home Guards). He would submit that though this Court granted three months' time to consider the representation of the petitioner, the respondents have not considered the same, which necessitated the petitioner in filing the contempt petition to punish them for the willful disobedience of the order.

5. During the course of arguments, by producing the notification dated 3.11.2022, the learned counsel for the respondents 2 and 3 submitted that the order of this has been

complied with and, therefore, the contempt petition may be closed.

6. This Court considered the submissions raised by learned counsel appearing on either side.

7. In the representation dated 16.4.2021, the petitioner requested for immediate implementation/ execution/ enforcement of the Police Department's letter even No. dated 30.01.2021 read with order No.1/13(44)/2020(PT)-DCG(HG)/2581 dated 08.03.2021 issued by the Commandant General (Home Guards), Manipur. By the order dated 7.4.2022, this Court directed the respondents to consider the letter dated 30.1.2021 and the order 08.3.2021 and to pass appropriate speaking orders within a period of three months from the date of receipt of copy of the order.

8. Since the letter dated 30.9.2021 and the order dated 8.3.2021 refer to the amendment/modification of the existing Manipur Home Guards Act and Rules and the Manipur Home Guards Rules, 2022 having been framed and published vide notification dated 3.11.2022, this Court is of the view that the order of this Court dated 7.4.2022 passed in W.P.(C)

No.425 of 2021 has been complied with by the contemnors. If the petitioner is aggrieved by the framing of the Manipur Home Guards Rules, 2022 and its notification, it is open to the petitioner to challenge the same in the manner known to law. Though the petitioner contended that the Manipur Home Guards Rules, 2022 has not been framed in proper manner, this Court is of the view that the correctness of Manipur Home Guards Rules, 2022 cannot be gone into in the contempt jurisdiction. Therefore, the contention of the learned counsel for the petitioner that the order of this Court has not been fully complied with cannot be countenanced. On the other hand, as stated supra, the order of this Court has been complied with by the respondents.

9. Accordingly, finding satisfaction of the compliance of the order, the contempt petition is closed and the contemnors are discharged.

ACTING CHIEF JUSTICE

FR/NFR

Sushil