

KABORAMB
AM LARSON

Digitally signed by
KABORAMBAM LARSON
Date: 2023.11.10
14:02:50 +05'30'

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

W.P.(C) No.693 of 2023

PHURAILATPAM VIVEKANANDA SHARMA, AGED ABOUT 54 YEARS, S/O
(L) PH. TOMBA SHARMA OF KEISHAMTHONG TOP LEIRAK, P.O. & P.S.
IMPHAL, IMPHAL WEST DISTRICT, MANIPUR.

....Petitioner/s

- Versus -

1. THE STATE OF MANIPUR REPRESENTED BY THE ADDL. CHIEF SECRETARY/
COMMISSIONER/ SECRETARY (FOREST, ENVIRONMENT & CC),
GOVERNMENT OF MANIPUR, OLD SECRETARIAT BUILDING, SOUTH
BLOCK, BABUPARA, P.O. & P.S. IMPHAL, IMPHAL WEST DISTRICT,
MANIPUR – 795001.
2. THE DEPUTY SECRETARY (FOR., ENVT. & CC), GOVT. OF MANIPUR, OLD
SECRETARIAT, SOUTH BLOCK, BABUPARA, P.O. & P.S. IMPHAL, IMPHAL
WEST DISTRICT, MANIPUR – 795001.

...Respondent/s

**BEFORE
HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA**

**ORDER
(ORAL)**

07.11.2023

[1] Heard Mr. Ng. Jotindra, learned counsel for the petitioner and
Mr. M. Rarry, learned Special counsel for State respondent Nos.1 & 2.

[2] The petitioner filed the present writ petition challenging the
impugned order dated 06.10.2023 issued by Deputy Secretary
(For.,Environment & CC), Government of Manipur appointing him as in-
charge OSD (Env. & CC), Govt. of Manipur in the Directorate of Env. &

Climate Change, Government of Manipur and the prayer is reproduced as below:

- i) to issue a writ in the nature of certiorari, or any other appropriate writ, order or quashing the impugned order dated 06.10.2023 (Annexure-A/32) issued by Deputy Secretary (For.Env't.&CC), Govt. of Manipur as arbitrary, malafide and unconstitutional;
- ii) to pass an interim order not to give effect the impugned order coercive measures against the petitioner during the pendency of the writ petition and;
- iii) to pass any further order or orders as to the Hon'ble High Court may seem fit and proper for the ends of justice and equity.

[3] This Court issued notice on 11.10.2023 and Mr. M. Rarry, learned Special counsel accepted notice on behalf of State Respondent Nos.1 & 2.

[4] During the course of hearing, Mr. M. Rarry, learned Special counsel for the State respondents hands over a letter dated 11.10.2023 written by the petitioner herein addressed to the Addl. Chief Secretary, Forest, Environment & Climate Change, Manipur intimating his joining report to the post of OSD (Environment & Climate Change), Government of Manipur under protest subject to the outcome of the writ petition being

W.P.(C) Nos.634 of 2023 and 613 of 2023 which are pending before this Court for pronouncement of order and the letter is reproduced as follows:

GOVERNMENT OF MANIPUR
DIRECTORATE OF ENVIRONMENT AND CLIMATE CHANGE
POROMPAT, IMPHAL – 05

No. 3/1/97(Estt.)/DoE&CC: Imphal, the 11th October, 2023

To

The Additional Chief Secretary,
Forest, Environment and Climate Change,
Government of Manipur

Subject: Submission of joining report under protest.

Sir,

In compliance with Govt. Order No. 30/9/2018-For & Evt.(Pt.I)ii dated 06-10-2023, I have the honour to report for joining of my duty as OSD (Evt.&CC) under protest from today, the 11th October, 2023 (forenoon). My joining to the aforesaid post is without prejudice to my right and claim in WP(C) No.634 of 2023 with W.P.(C) No.613 of 2023 which has been kept CAV by the Hon'ble Court on 20-09-2023 after hearing the respective Learned Counsel/Senior Counsel representing the parties.

Thanking you.

Yours faithfully,
(Ph. Vivekananda Sharma)
Joint Director

[5] Mr. M. Rarry, learned Special counsel for the State Respondents submits that the cause of the writ petition does not survive once the petitioner has chosen the service notwithstanding under protest.

[6] Mr. Ng. Jotindra, learned counsel for the petitioner also agrees with the submission made by Mr. M. Rarry, learned Special counsel for the State Respondents.

[7] Recording the submission, this writ petition is disposed of as infructuous without expressing any opinion on the merit of the case.

[8] Copy of this order may be furnished to the learned counsels appearing for the parties.

JUDGE

- Larson