

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

WP(C) No. 810 of 2022

Shri Laishram Radhakishore Singh, aged about 65 years,
S/o (Late) L. Nityai Singh, a resident of Keinou Thongkha
MakhaLeikai, P.ONambol P.S Bishnupur, Bishnupur
District, Manipur.

....Petitioner

-Versus-

1. The State of Manipur, represented by the Additional Chief Secretary (Forest and Environment), Govt. of Manipur, Old Secretariat (South Block) Babubapara, P.O & P.S Imphal, Manipur – 795001.
2. The Manipur Pollution Control Board, represented by its Member Secretary, MPCB, having its office at Lamphel, DC Complex, P.O&P.S, Lamphel, Imphal West District, Manipur – 795004.

.....Official Respondents

3. Shri Usham Deben Singh, aged about 53 years old, S/o Late Usham Pukchao Singh, a resident of Keirak Kangjeibung Mamang P.O&P.S, Kakching District, Manipur – 795103.

.....Private Respondent

BEFORE
HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH

For the Petitioner :: Mr. N. Jotendro, Sr. Advocate,
Mr. Murtaza Ahmed, Advocate

For the Respondents:: Mr. M. Devananda, Addl. AG
Ms. Jyotsana, Advocate
Mr. H. S Paonam, Sr. Advocate
Mr. S. Gunabanta, Advocate

Date of hearing :: 21-02-2023

Date of judgment :: 14.03.2023

JUDGMENT
(C A V)

Heard Mr. N. Jotendro, learned senior counsel assisted by Mr. Murtaza Ahmed, learned counsel appearing for the petitioner, Mr. M. Devananda, learned Addl. AG assisted by Ms. Jyotsana, learned counsel appearing for the respondents No. 1 & 2 and Mr. H. S Paonam, learned senior counsel assisted by Mr. S. Gunabanta, learned counsel appearing for the respondent No. 3.

[2] The present writ petition had been filed challenging two orders both dated 20.09.2022, one order terminating the service of the petitioner as Chairman of Manipur Pollution Control Board and the other appointing the respondent No. 3 as Chairman of the Manipur Pollution Control Board (MPCB).

[3] The brief facts of the case is that by an order dated 24.03.2017 issued by the Chief Secretary (For. & Env't),

Government of Manipur, the petitioner was appointed as Chairman of Manipur Pollution Control Board with immediate effect and until further orders. The term of the office of the Chairman of MPCB as provided under Section 5 (1) of the Water (Prevention and Control of Pollution) Act, 1974 (hereinafter referred to as “the said Act” for short) is of three years from the date of nomination. During the term of his office as the Chairman of MPCB, the petitioner issued various orders dated 3.5.2018, 8.6.2018, 18.6.2018, 1.8.2018, 3.8.2018, 23.8.2018, 7.9.2018, 14.9.2018 and 29.10.2018 appointing as many as 118 (one hundred and eighteen) persons on contract basis in the following different capacities carrying the pay scale noted against the post:-

Sl. No.	Designation	Pay Scale
1.	Assistant Environmental Engineer	Rs.9300 + 4400 (GP)
2.	Assistant Law Officer	Rs.9300 + 4400 (GP),
3.	Jr. Environmental Engineer, Assistant Programmer, Assistant I.T Officer, Assistant Programmer and Junior Law Officer	Rs. 9300 + 4200 (GP),
4.	Environmental Scientist, Field Inspector, Sr. Scientific Assistant, Computer Operator, Data Collector and Smoke	Rs. 5200 + 2800 (GP),

	Emission Tester	
5.	Sample Collector, Laboratory Assistant and Store Keeper	Rs. 5200 + 2400 (GP),
6.	Account Assistant, Assistant Field Inspector, LDC, Driver, Legal Assistant and Photographer	Rs. 5200 + 1900 (GP),
7.	Grade – IV and Laboratory Attendant	Rs. 4440 + 1300 (GP).

[4] During the tenure of the service of the petitioner as the Chairman of MPCB, the State Government issued a rule called ‘Appointment of Chairman of Manipur Pollution Control Board (MPCB), 2021’ (hereinafter referred to as “the said Rule” for short). Subsequent to the framing of the said Rule, the State Government issued an order dated 30-07-2021 re-constituting the MPCB consisting of 11 (eleven) members including the petitioner as the Chairman of the said reconstituted board. It is the case of the petitioner that before completion of the tenure of his service of three years as provided under Section 5 (1) of the said Act and Rule 2 (iii) (b) of the said Rule, the State Government issued an order dated 14-07-2022 appointing the respondent No. 3 as the Chairman of MPCB with immediate effect and until further orders.

[5] Having being aggrieved, the petitioner assailed the appointment of the respondent No. 3 by filing WP(C) No. 562 of 2022 before this Court. The said writ petition was disposed of by

a Judgment and Order dated 11-08-2022 passed by this Court in WP(C) No. 562 of 2022 by quashing the impugned order dated 14-07-2022 and by giving liberty to the State Government to re-consider the case of the petitioner by following due procedure of law. The operative portion of the said Judgment and Order reads as under :-

“20. Principles of natural justice are those rules which have been laid down by the Courts as being the minimum protection of the rights of the individuals against the arbitrary procedure that may be adopted by a judicial, quasi-judicial and administrative authority while making an order affecting those rights. These rules are intended to prevent such authority from doing injustice. The purpose of following the principles of natural justice is the prevention of miscarriage of justice.

21. From the discussion aforesaid, it is apparent that the order impugned of removal of the petitioner, irrespective of the fact whether it is an order under Section 5 or under Section 6 of the Act is not sustainable having been passed in contravention of the mandatory requirement of Sub-section (3) of Section 5 or Sub-section (2) of Section 6 of the Act. The order impugned, thus is liable to be quashed.

22. In view of the detailed discussions,

(a) this writ petition is allowed and the impugned order dated 14-07-2022 is hereby quashed, in the light of the above observations.

(b) the State Government is at liberty to reconsider the case of the petitioner, if they are so advised, by following the due procedure of law contemplated under Section 5(3) or under Section 6 (2) of the Act.

(c) there will be no order as to costs."

[6] After the disposal of the aforesaid writ petition, the authorities of the State Government issued a Memorandum dated 09-09-2022 wherein, allegations have been made against the petitioner that he made appointment against 107 posts in the MPCB without obtaining prior approval of the Government and without following due procedure for public employment and directing the petitioner to submit a written explanation as to why disciplinary action including civil and penal liabilities should not be taken against him. In response to the said Memorandum, the petitioner submitted a detailed written explanation dated 16-09-2022 to the Additional Chief Secretary (For. & Env't and CC), Government of Manipur. In the said written explanation, the petitioner did not deny the allegation that he appointed 107 incumbents in the MPCB without obtaining prior approval of the Government and without following due procedure for public employment. However, the petitioner took the stand, inter alia, that the board has absolute and unfettered power to create posts and make recruitment without seeking approval of the Government if financial burdens are taken by the board.

[7] After examining and considering the written explanation given by the petitioner, the authorities of the State Government issued an order dated 20-09-2022 thereby terminating the service of the petitioner as Chairman of MPCB with immediate effect and declaring that the post of Chairman, MPCB shall be deemed to be vacant with effect from the date of

issuance of the said order. On the same date, i.e., on 20-09-2022, the State Government issued another order appointing the respondent No. 3 as the Chairman of MPCB with immediate effect and until further orders. Having being aggrieved by the issuance of the said two orders, the petitioner approached this Court again by filing the present writ petition praying for quashing and setting aside the two orders both dated 20-09-2022.

[8] Mr. N. Jotendro, learned senior counsel appearing for the petitioner submitted that the tenure of service of the petitioner as Chairman of MPCB is of three years with effect from the date of appointment, i.e., 30-07-2021 as provided under Section 5 (1) of the said Act and Rule 2 (iii) (b) of the said Rule and accordingly, the State Government cannot terminate the service of the petitioner before completion of the tenure of his service. It has also been submitted by Mr. N. Jotendro, learned senior counsel appearing for the petitioner that the issue as to whether the service of the Chairman of MPCB can be terminated or not before completion of the tenure of service has already been decided by the Gauhati High Court in the case of **“Chandam Manihar Singh Vs. State of Manipur &Ors”** reported in **1999 Legal Eagle (GAU) 434**. The relevant portion of the judgment is reproduced herein below:-

“4.) The petitioner was appointed as Chairman of the Board under Order No. 117 2/88-STE(Pt) dated 16.10.96 on honorary capacity until further orders. Again under Order No. 11/2/88-STE(Pt) dated 28th October, 1997, in suppression of the previous order,

another order was issued appointing him as Chairman of the Board on contract basis for a period of 3 years with effect from the date of his initial appointment which was made on honorary capacity. Thereafter victim notification dated 18.1.98 the petitioner was removed from the Chairmanship of the Board. This notification was challenged by him by filing a writ petition being C.R. No. 91 of 1998 and under order dated 10.2.98 this Court suspended the order of removal of the petitioner and ultimately the order of removal of the petitioner/reconstitution of the Board was quashed by this court's order dated 11.8.98. Again, under Memorandum dated 14.9.98 the respondent issued a notice under Section 5(3), read with Section 6(2) of the Water (Prevention and Control of Pollution) Act, 1974 (hereinafter referred to as 'the Act') to show cause why he should not be removed from the Chairmanship of the Board, copy of this notice is enclosed as Annexure-7 to the writ petition which was corrected under Corrigendum dated 19.9.98 (Annexure-A/9).

18.) In our present case, as noted above, a composite notice Under Section 5(3) and Section 6(2) of the Act was given under Office Memorandum dated 14.9.98 (Annexure-A/7). Regarding the point as to whether the posts to which so called appointments were made were non-existent at the time of making the appointments or not, as seen from the letter dated 28th October, 1998 from the Member-Secretary of the Board addressed to the Principal-Secretary, Forest and Environment, Government of Manipur, it is found in Annexure-G/7 of the counter of the State- respondents that all the four posts i.e. the posts of Environmental Engineer, Assistant Environmental Engineer, Senior Scientific Officer and the Administrative Officer which are mentioned in Annexures-A, B, C, D of the show cause notice (Annexure-A/7) were created on 6.9.97, 2.1.90, 17.9.97 and 10.4.97 respectively with the approval/sanction of the Government and the in-charge arrangement against these posts were made on 17.2.97 and 14.2.97. The copies of these orders are found at Annexures-A/7(1), A-

7(2), A-7(3) and A- 7(4) to rejoinder affidavit of the petitioner. Again the aforesaid in-charge arrangement was even regularised on 16.9.97 and 14.2.97 on the recommendation of a regular D.P.C. The said orders of regularisation/appointment are found at Annexures-A/17(1), A-17(2), A-17(3) and A-17(4) to the rejoinder affidavit of the petitioner. Thus, it is clear that these posts were in existence as created with the approval/ sanction of the Government before appointments were made, whether by way of in-charge arrangement or by regular appointment.

(19.) Regarding the point as to whether the Chairman himself made the appointment orders thereby violating the provisions of Rule 24(7) of the Rules, learned Advocate General submitted that the employees being the employees of the Board, they are to be appointed by the Board in accordance with the provisions of the Rules ie. Rule 24(7) of the Rules. Thus, according to learned Advocate General the so called appointment orders are not in accordance with the provisions of law. Rule 24(7) of the Rules prescribes that all orders or instructions to be issued by the Board shall bear signature of the Member-Secretary or of any other officer authorised in this behalf by the Chairman. (20.) On this point Mr Y. Imo Singh and also Mr. N.P.C. Singh submitted regarding the scheme of the Rule, more particularly the provisions of Rule 22(3) of the Rules wherein it is prescribed that subject to Rules as may be made under sub-section (3) of Section 12 of the Act, the Chairman shall have full powers in matter of promotion, confirmation, transfer and termination of service of the officers and employees of the Board; and the Rule 22(6) of the Rules wherein it is prescribed that the Chairman shall exercise all such powers as are delegated to the Head of Administrative Department of the State Government in case when powers are not specifically delegated, the sanction of the Government shall be required. And the learned counsel submitted that the Chairman who himself has the powers to authorise others to sign all orders of the

Board may himself sign any order of the Board. Thus, the learned counsel submitted that mere signing of the appointment orders by the Chairman would not amount to violating the provisions of the Rules and the learned counsel also submitted that this practice of signing all such orders by the Chairman himself had been regularly followed. Again the learned counsel also drawn my attention to Annexure- A/13 being/copies of appointment orders issued by the Meghalaya and Kerala State Pollution Control Boards in which the Chairman of the respective Boards signed the appointment orders. I find force in the submission of the learned counsel for the petitioner that mere signing of the appointment orders by the Chairman himself, in the light of the submission/discussion as made above, may not render the appointment orders invalid.

(21.) On the point of prior sanction of the State Government for appointment to the posts in the scale, Rule 23 of the Rules provides that the Board may create such posts as it considers necessary. Again, it is also provided that in respect of creation of and appointments to posts in the scale the maximum of which is above Rs.3,300/- per month, the Board shall obtain prior sanction of the State Government. In this regard drawing the attention of the Court to Annexure-G/7 as mentioned above, the learned Advocate General submitted that the Member- Secretary of the Board wrote that prior approval of the Government for issue of the appointment orders were not obtained, learned Advocate General thus, submitted that it is a gross violation of the provisions of Rule 23 of the Rules.

(22.) The learned counsel for the petitioner Mr.N.P.C. Singh in this regard submitted firstly that in the present case the action of the Government for removal of the Chairman is based upon the notice contained in Annexure- A/7 to the writ petition and in the aforesaid notice the appointments at Annexures-A, B, C and D to the notice are in respect of those so called in-charge arrangement before the regularisation of the appointments. The learned counsel submitted

that in such a case the authority concerned cannot go beyond the contents of the notice and as such question of prior approval of the Government is not called for in respect of in-charge arrangement which were made for efficient performance and function of the Board. Secondly, the learned counsel submitted that the so called appointments at Annexures-A, B, C, D to the notice were regularised subsequently by a regular D.RC. in which the third member was none other than the Commissioner of the concerned department i.e. Forest and Environment who represented the Government. Further the learned counsel submitted that these appointment orders become necessary for efficient performance of the function of the Board and there has been a direction from the Central Pollution Control Board and also the Central Government.

(29.) In this regard the statutory notice as noted above mentions only two facts, namely. (1) the Chairman made appointments against non-existent posts; (2) the Chairman signed the appointment orders in violation of sub- rule(7) of Rule 24 of the Rules. Nowhere it is mentioned in the notice that the Chairman made any appointment without prior sanction of the Government. When an action like the present one for removal from office of Chairman of a State Board is taken up. the provisions contained in the law has got to be strictly followed and complied with. If the point regarding lack of prior sanction has not been included in the notice then this fact cannot be used against the petitioner. It has already been noted above that this action is a quasi judicial act in which the principle of audialteramepartem which is an important limb of the principles of natural justice has to be followed and if no allegation has been mentioned in the notice/charge levelled against the petitioner, no action can be taken on the basis of the material which was not found in the notice.

(30) The posts were in existence as the same were created with the approval/sanction of the Government before appointments

were made and on the point of signing by the Chairman by himself I have already noted that the submission of the learned counsel for the Petitioner that the Chairman may sign in such appointment orders issued for appointment of employees of the Board is not impermissible in view of the scheme of the Rules and Act as force.

(32) It appears that so far, the procedure prescribed for nominating the Chairman of the Board has not been followed. The Act even prescribes some qualifications for being the Chairman of the Board and as such the appointment should be made to the person and not by office. But in the State generally the practice is of appointing the Minister in-charge as Chairman of the Board. This is not contemplated by law. In fact, if the Chairman is to be changed due to reshuffling of the Cabinet then it will be very difficult to properly determine the remainder of the term in case of any vacancy. Again, it appears that on every nomination of a new Chairman or any other member of the entire Board is again reconstituted. This is also not contemplated by law. The Government may look into the matter so that laws are complied with properly. And considering the fact that it has become very difficult to calculate the remainder of the term to be served by the newly nominated member to fill a casual vacancy I am of the opinion that the term of the Petitioner shall be counted from his initial appointment i.e. 16.10.96. And he should be allowed to continue till the completion of full term of 3 years. The decision cited by the learned Advocate General is distinguishable from our present case on point of the length of the remainder of the term of office.

(33) For the foregoing reasons and conclusion, the writ petition is allowed. The order dated 19.10.98 removing the Petitioner from being the Chairman of the Board is quashed. Consequently, it is ordered that the Petitioner shall be reinstated as Chairman of the Board forthwith with all the entitlements with effect from the date of his removal and he should be allowed to continue to be the

Chairman of the Board till completion of full terms of 3 (three) years. Under the facts and circumstances of the case there would be no order as to costs.”

[9] Learned senior counsel appearing for the petitioner submitted that the earlier appointment of the respondent No. 3 as Chairman of the MPCB in place of the petitioner had already been interfered with by this Court by quashing the impugned order dated 14-07-2022 under the Judgment and Order dated 11-08-2022 passed in WP(C) No. 562 of 2022. Learned senior counsel vehemently submitted that in view of the aforesaid Judgment and Order dated 11-08-2022 passed by this Court, the authorities cannot issue the impugned orders dated 20-09-2022.

[10] It has also been submitted on behalf of the petitioner that the petitioner appointed 107 (118) employees in the MPCB as per the direction given by the National Green Tribunal in its order dated 05-02-2021 passed in Original Application No. 95 of 2018 and also in terms of the Convey letter dated 26-02-2021 from the Secretariat, Forest and Environment Department, Government of Manipur. Learned senior counsel accordingly submitted that as the appointment of the said 107 (118) employees had been made in terms of the aforesaid order dated 05-02-2021 of the National Green Tribunal and also in terms of the aforesaid Convey letter dated 26-02-2021, the petitioner did not commit any illegality in carrying out the said appointments.

Mr. N. Jotendro, learned senior counsel appearing for the petitioner also submitted that under the proviso to Rule 23 of the said Rule, no particular post is mentioned and that the mandate of the proviso to Rule 23 is that for creation of and appointment to the post in the pay scale, the maximum of which is above Rs. 330 per month, the board is required to obtain prior sanction of the State Government. The learned senior counsel also submitted that the MPCB adopted all the Revision of Pay Rules issued by the State Government from time to time and that under ROP 1990 and ROP 1999, the scale of pay of Rs. 3300 had been increased to Rs. 9000 per month. Learned senior counsel further submitted that since all the pay scales of 107 incumbents appointed by the petitioner are below Rs. 9000/- there is no requirement to obtain prior sanction of the State Government before appointing the said 107 incumbents. It has been accordingly submitted on behalf of the petitioner that the ground on which the service of the petitioner had been terminated is unsustainable and the impugned orders are liable to be quashed and set aside.

[11] Mr. M. Devananda, learned Addl. AG appearing for the official respondents submitted that the earlier appointment of the respondent No. 3 as Chairman of MPCB was made after terminating the service of the petitioner and that the earlier appointment of the respondent No. 3 was quashed by this Court only on the ground that no notice was given to the petitioner before issuance of the impugned order and the appointment of the respondent No. 3 had been made in violation of the principle

of natural justice and the mandatory requirement of Section 5 (3) or Section 6 (2) of the said Rules. It has been submitted that in para No. 22 of the Judgment and Order dated 11-08-2022 passed by this Court in WP(C) No. 562 of 2022, liberty was given to the State Government to re-consider the case of the petitioner by following due procedure of law contemplated under Section 5 (3) or under Section 6 (2) of the aforesaid act. Learned Addl. AG submitted that in view of the liberty given by this Court, as mentioned herein above, the State Government issued a Memorandum dated 09-09-2022 directing the petitioner to submit a written explanation in his defense with regard to the allegations of his appointing 107 incumbents in the MPCB without obtaining prior approval of the Government and without following the procedure for public employment. In response to the said memorandum, the petitioner submitted his written explanation and after due consideration, the State Government issued the impugned orders dated 20-09-2022 terminating the service of the petitioner and thereafter, appointing the respondent No. 3 as Chairman of MPCB. Learned Addl. AG accordingly submitted that the arguments advanced by the learned counsel for the petitioner that the impugned orders have been issued in complete violation of the judgment and order dated 18-08-2022 passed by this Court in WP(C) No. 562 of 2022 is misconceived and baseless.

[12] Mr. M. Devananda, learned Addl. AG also submitted that the petitioner did not dispute the fact that he appointed 107 (118) incumbents in the MPCB without following

due process of public employment and without obtaining prior approval/sanction of the State Government as mandated under Rule 23 of the said Rule and in complete violation of the order dated 05-09-1998 issued by the Secretariat, Forest Department, Government of Manipur, thereby rendering such appointment as illegal appointments. Mr. M. Devananda, learned Addl. AG further submitted that all the pay scale of the 107 (118) posts against which 107 (118) incumbents have been appointed are above Rs. 3300 per month and accordingly, obtaining prior sanction of the State Government before making such appointment was mandatory in view of the provisions under Rule 23 of the said Rule.

[13] Mr. M. Devananda strenuously submitted that by abusing his position as the Chairman of MPCB, the petitioner made illegal appointments and as such, the authorities terminated the service of the petitioner in exercise of the power conferred under Section 6 (1) (g) of the said Act as his continuance as the Chairman of the MPCB was detrimental to the interest of the general public.

[14] It has also been submitted by Mr. M. Devananda that there is a fallacy in the stand taken by the petitioner that he appointed all the 107 (118) employees in the MPCB as per the direction given by the National Green Tribunal and in terms of the Convey Letter of the Government, inasmuch as, both the orders of the National Green Tribunal and the Government Convey Letter were passed/issued only in the year 2021 whereas, all the appointments were made in the year 2018. The

learned Addl. Advocate General accordingly submitted that such stands taken by the petitioner deserves to be rejected outright and the writ petition is liable to be dismissed as being devoid of merit.

[15] Mr. HS. Paonam, learned senior counsel appearing for the respondent No. 3 adopted the arguments advanced by the learned Addl. Advocate General. In addition, the learned senior counsel submitted that as the petitioner had been removed in terms of the provisions under Section 6 of the said Act, he is no longer eligible for re-nomination as the member of the Board and accordingly, he has no locus-standi to challenge the appointment of the private respondent No. 3, unless and until he succeeded in challenging his removal order. The learned senior counsel further submitted that the respondent No. 3 is more educated and qualified than the petitioner for being appointed as the Chairman of the MPCB and as such, the present writ petition is liable to be dismissed as being devoid of merit.

[16] I have heard the rival arguments advanced by the learned counsel appearing for the parties at length and also examined the material available on record. The petitioner challenged his termination order on the following grounds:-

(1) As the tenure of service of the petitioner as Chairman of MPCB is of three years with effect from the date of appointment, the State Government cannot terminate his service before completion of the tenure of his service;

(2) The impugned orders have been issued in complete violation of the Judgment and order dated 11.08.2022 passed by this Court in WP(C) No. 562 of 2022;

(3) As the petitioner appointed all the 107 (118) employees in the MPCB as per the direction given by the National Green Tribunal and in terms of the Convey Letter of the Government, he did not commit any illegality in making such appointment and as such, he cannot be penalised by terminating his service;

(4) The scale of Rs. 3300/- as mentioned under proviso to Rule 23 of the said Rule was increased from time to time under the Revision of Pay Rules issued by the Government from time to time. Since all the pay scale of the said 107 (118) employees are below the revised pay scale, there is no requirements to obtain prior sanction of the Government before appointing them, especially when the Board has absolute and unfettered power to create posts and make recruitment without seeking approval of the Government, if financial burdens are taken by the Board.

[17] Under Section 5 (3) of the said Act, it is provided that the Central Government or the State Government may, if it thinks fit, removed any member of a Board before the expiry of his term of office after giving him a reasonable opportunity of showing cause against the same. Under Section 6 of the said Act, it is provided, inter-alia, that a member of a Board can be

removed by the Central Government or the State Government if it is of the opinion that the member has so abused his position as to render his continuance on the Board detrimental to the interest of the general public and after giving him a reasonable opportunity of showing cause against the same. Further, under the proviso to Rule 23 of the said Rules, it is provided that for the creation of and appointment to post in the scale, the maximum of which is above Rs. 3300/- per month, the Board shall obtain prior sanction of the Government.

[18] In the present case, it is undisputedly on record that the petitioner, while holding the office of the Chairman of MPCB, appointed as many as 107 (118) persons in different capacities in the Board without following the procedure for public employment and without obtaining prior sanction of the Government. It is also undisputedly on record that the pay scale of the posts held by the said 107 (118) employees or the monthly emoluments given to the said 107 (118) employees are above Rs. 3300/-. Since the monthly emoluments given to the said 107 (118) employees are above Rs. 3300/-, the petitioner was required to obtain prior sanction of the State Government before making such appointment in terms of the mandatory provisions under the proviso to Rule 23 of the said rules. As the petitioner failed to obtain prior sanction of the State Government before making such appointments and as the petitioner did not follow any of the procedure for public employment, the authorities issued a memorandum dated 09.09.2022 raising such allegations against the petitioner and directing him to

submit a written explanation as to why disciplinary action should not be taken up against him. In response to the said memorandum, the petitioner submitted a detailed written explanation in his defense. After taking into consideration the written statement submitted by the petitioner, the authorities issued the impugned order dated 20.09.2022 thereby terminating the service of the petitioner as Chairman of MPCB, in exercise of the power conferred under Section 6 (1) (g) of the said Act. In view of the above undisputed factual position and provisions of law, this Court is not inclined to accept or entertain the first ground raised by the learned senior counsel appearing for the petitioner. In my considered view, the judgment of the Hon'ble Gauhati High Court in the case of Chandam Manihar Singh (Supra) cited by the learned senior counsel for the petitioner is of no help to the petitioner as the said judgment is not applicable in the facts and circumstances of the present case.

[19] With regard to the second ground raised on behalf of the petitioner, it is to be noted that the earlier writ petition being WP(C) No. 562 of 2022 filed by the present petitioner was allowed by this Court under its judgment and order dated 11.08.2022 by quashing the impugned order dated 14.07.2022 and by giving liberty to the State Government to reconsider the case of the petitioner by following due procedure of law contemplated under Section 5 (3) or under Section 6 (2) of the said Act. In the present case, the authorities have acted in pursuance of the liberty given by this Court in the aforesaid

judgment and order and by strictly following due procedure of law provided under Section 5 (3) or under Section 6 (2) of the said Act. Moreover, the petitioner have failed to point out any instance of violating the aforesaid judgment and order of this Court by the authorities while issuing the impugned orders. In view of the above, this Court did not find any substance in the second ground raised on behalf of the petitioner.

[20] With regard to the third ground raised on behalf of the petitioner, it is to be pointed out that all the appointment order of the aforesaid 107 (118) employees were issued in the year 2018 whereas the judgment and order of the National Green Tribunal and the Convey Letter of the State Government were given only on 05.02.2021 and 26.02.2021 respectively. In view of such factual position, this Court is of the considered view that there is a fallacy in the third ground raised on behalf of the petitioner that the petitioner issued all the appointment orders as per direction given by the National Green Tribunal and in terms of the Convey Letter of the State Government.

[21] During the course of hearing of the present writ petition and despite giving ample opportunities, the learned senior counsel appearing for the petitioner failed to point out any relevant provisions under the various Revision of Pay Rules issued by the State Government, revising the Pay Scale of the posts against which the aforesaid 107 (118) employees have been appointed. Moreover, as none of the posts held by the said 107 (118) employees of the Board are included or mentioned in any of the Revision of Pay Rules produced by the

petitioner, this Court is not inclined to accept the bald statement made on behalf of the petitioner that the Scale of Pay of Rs. 3300/- mentioned in the proviso to Rules 23 of the said Rules had been revised from time to time under various ROPs issued by the Government.

In the result, the writ petition fails as the petitioner has failed to make out any reasonable ground for interfering with the impugned orders. Accordingly, the present writ petition is dismissed as being devoid of merit, however, without any order as to costs. Earlier interim order stands vacated.

JUDGE

FR/NFR

Kim/Lhaineichong