

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

**W.P. (C) No. 830 of 2022**

**Dr. S. Indra Singh**, aged about 61 years old, S/o (Late) S. Gourachand Singh, a resident of Haoreibi Mayai Leikai, P.O. & P.S. Wangoi, Imphal East District, Manipur – 795009, at present Deputy Director, Vety. & A.H. Services, Manipur.

***... Petitioner***

**-Versus-**

- 1.** The State of Manipur, represented by the Secretary (Vety. & A.H.), Government of Manipur, New Secretariat, Front Block (2<sup>nd</sup> Floor), P.O. & P.S. Imphal, Imphal West District, Manipur – 795001.
- 2.** Under Secretary (Vety. & A.H.), Government of Manipur, New Secretariat, Front Block (3<sup>rd</sup> Floor), P.O. & P.S. Imphal, Imphal West District, Manipur-795001.

***... Respondents***

**B E F O R E  
HON'BLE MR. JUSTICE AHANTHEMBIMOL SINGH**

|                     |    |                                                                         |
|---------------------|----|-------------------------------------------------------------------------|
| For the Petitioner  | :: | Mr. N. Jotendro, Sr. Advocate asstd. by<br>Syed Murtaza Ahmed, Advocate |
| For the respondents | :: | Mr. M. Devanana, Addl. AG asstd. by<br>Ms. Jyotsana, Advocate           |
| Date of Hearing     | :: | <b>24-08-2023</b>                                                       |
| Date of Order       | :: | <b>29-08-2023</b>                                                       |

**O R D E R**

**[1]** Heard Mr. N. Jotendro, learned senior counsel assisted by Syed Murtaza Ahmed, learned counsel appearing for the petitioner and Mr. M. Devananda, learned Addl. AG assisted by Ms. Jyotsana, learned counsel appearing for the respondents.

[2] The present writ petition had been filed challenging the Memorandum dated 23-08-2022 issued in connection with the proposed Departmental Enquiry against the petitioner and directing the petitioner to submit his written statement of defence to the Article of Charges, order dated 23-08-2022 appointing an Inquiring Authority/ Inquiry Officer to enquire into the charges framed against the petitioner and order dated 23-08-2022 appointing the Presenting Officer in connection with the proposed Departmental Enquiry against the petitioner.

[3] The brief facts of the present case is that in contemplation of a Disciplinary proceeding against the petitioner, the Additional Secretary (Vety. & A.H.), Government of Manipur issued an order dated 06-04-2022 thereby placing the petitioner under suspension w.e.f. the date of issue of the said order. The petitioner assailed the said suspension order by filing a writ petition being WP(C) No. 251 of 2022 before this court. In the said writ petition, this court passed an interim order on 25-04-2022 staying the impugned suspension order. Subsequently, the Secretary (Vety. & A.H.), Government of Manipur issued a Memorandum dated 23-08-2022 furnishing to the petitioner the Article of Charges, statement of imputation of misconduct or misbehaviour in support of the Article of Charges, list of documents and witnesses in connection with the proposed Departmental Enquiry against the petitioner and asking him to submit his written statement of defence within ten days of receipt of the said Memorandum. Thereafter the Under Secretary (Vety. & A.H), Government of Manipur issued two orders, both dated 23-08-2022 appointing the Inquiry Officer and

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the Presenting Officer in connection with the proposed Departmental Enquiry. Feeling aggrieved, the petitioner assailed the said Memorandum and two orders by filing the present writ petition.

**[4]** Mr. N. Jotendro, learned senior counsel appearing for the petitioner submitted that the impugned Memorandum dated 23-08-2022 and the two impugned orders, both dated 23-08-2022 have been issued by the Government in violation of the interim order dated 25-04-2022 passed by this court in WP(C) No. 251 of 2022 and in an arbitrary and malafide manner and as such, the impugned Memorandum and the two impugned orders are liable to be quash and set aside. The learned senior counsel for the petitioner also submitted that only on the aforesaid grounds, the impugned Memorandum and the two impugned orders have been challenged and that the petitioner did not raised any other ground in the present writ petition.

**[5]** When the State Government issued the order dated 06-04-2022 placing the petitioner under suspension in contemplation of a disciplinary proceeding against him, the petitioner challenged the said suspension order by filing WP(C) No. 251 of 2022 before this court. In the said writ petition, this court passed an interim order on 25-04-2022 staying the impugned suspension order as an interim measure. In the said interim order passed by this court, there was no direction or order restraining or prohibiting the authorities from proceeding with the contemplated disciplinary proceeding against the petitioner. In such a situation, the

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authorities were at liberty to proceed with the contemplated disciplinary proceeding against the petitioner and this court did not find any fault on the part of the authorities in issuing the impugned Memorandum and the two impugned orders. Taking into consideration the materials available on record and the findings given hereinabove, this court did not find any substance and merit in the submission advanced by the learned senior counsel appearing for the petitioner and accordingly, this court did not find any ground or reason for interfering with the impugned Memorandum and the two impugned orders. In the result, the writ petition is hereby dismissed as being devoid of merit. However, without any order as to cost.

**JUDGE**

**FR / NFR**

*Devananda*