

17-24, 37-38

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

WP(C) No.906 of 2023 with
MC (WP(C)) No.890 of 2023 with
MC (WP(C)) No.463 of 2023 with
MC (WP(C)) No.449 of 2023 with
WP(C) No.915 of 2023 with
MC (WP(C)) No.471 of 2023 with
MC (WP(C)) No.457 of 2023 with
WP(C) No.902 of 2023 with

WP(C) No.922 of 2023 with
MC (WP(C)) No.475 of 2023

Brahmacharimayum Sonamani
Sharma ... Petitioner

-Versus-

State of Manipur & 2 Ors ... Respondents

BEFORE
HON'BLE MR. JUSTICE A.GUNESHWAR SHARMA
22.12.2023

Present Mr.N.Jotendro, learned senior counsel assisted by Mr.Syed Murtaza, learned counsel for the petitioner in WP(C) No.890 of 2023 & 915 of 2023 and Mr.Y.Nirmolchand, learned senior counsel assisted by Mr.L.Raju, learned counsel for the petitioner in WP(C) No.906 of 2023, Mr.Ajoy Pebam, learned counsel for the petitioner in WP(C) No.902 of 2023 and Mr.Y.Devdutta, learned counsel for the petitioner in WP(C) No.922 of 2023. Also present Mr.S.Nepolean, learned Government Advocate assisted by Ms.R.K.Emily, learned Dy. Government Advocate for the State respondents, Mr.M.Hemchandra, learned senior counsel assisted by Mr.M.Rendy, learned counsel for some of the private respondents and Mr.N.Ibotombi, learned senior counsel assisted by Mr.A.Golly, Mr.H.S. Paonam, learned senior counsel assisted by Mr.N.Bipin, learned counsel for some of the private respondents.

(o r a l) wpc 906 of 2023 and batch

[2] By the present writ petitions, the petitioners are assailing the impugned transfer order dated 15.12.2023 and 19.12.2023 issued by the Joint Secretary, Social Welfare (SW) Government of Manipur, (Annexure A/5 in WP(C) No.890 of 2023) whereby the 27 (twenty seven) employees of the Social Welfare Department are transferred throughout the State.

[3] **WP(C) No.890 of 2023 & 915 of 2023**

Vide order dated 18.12.2023, in WP(C) No.890 of 2023, this Court directed that no coercive action be taken against the petitioner, i.e. N.Ruparani Devi. The petitioner in WP(C) No.890 of 2023 also filed another WP(C) No.915 of 2023 assailing the subsequent transfer order dated 19.12.2023 inter alia, praying to give liberty to the petitioner to approach the Respondents by filing a representation in view of the Notification dated 12.05.2022 issued by the Chief Secretary (DP), Govt of Manipur, more particularly para No.2 (vii), which specifically mentioned that officials may be posted at the district of their choice 2 (two) years before their retirement. The petitioner also made alternative prayer seeking for filing a representation for reviewing the transfer order considering her health condition.

It is submitted that the WP(C) Nos.890 of 2023 & 915 of 2023 may be disposed of by giving liberty to the petitioner to submit a detailed representation to the respondents within one week and till then, the interim order of no coercive action be taken, may be extended.

Mr.S.Nepolean, learned Government Advocate is agreeable to the submission of Mr.N.Jotendro, learned senior counsel for the petitioner in WP(C) Nos.890 of 2023 and 915 of 2023. Mr.M.Hemchandra, learned senior counsel for respondent No.3 in WP(C) No.915 of 2023 and Mr.N.Ibotombi, learned senior counsel for respondent No.4 in WP(C) Nos.890 of 2023 and 915 of 2023 and Mr.Ajoy Pebam, learned counsel for respondent No.3 in

WP(C) No.890 of 2023 submit that this Court may pass appropriate order.

[4] In the circumstance, the WP(C) Nos.890 of 2023 and 915 of 2023 are disposed of by giving liberty to the petitioner to submit a detailed representation to the State respondents, within one week from the date of receipt of this order. The State respondents shall also dispose of the representation, by a speaking order within a period of two weeks from the date of receipt of the representation from the writ petitioner of WP(C) Nos.890 of 2023 and 915 of 2023. Till then, no coercive action be taken against the petitioners for non-joining in their new place of postings.

With the above observations and directions, the WP(C) Nos.890 of 2023 and 915 of 2023 are disposed of. Misc Appln., if any, are also disposed of.

[5] **WP(C) No.902 of 2023**

Heard Mr.Ajoy Pebam, learned counsel for the petitioner in WP(C) No.902 of 2023 and Mr.S.Nepolean, learned Government Advocate assisted by Ms.R.K.Emily, learned Dy.GA for the State respondent Nos.1, 2 and 3, Mr.N.Jotendro, learned senior counsel assisted by Mr.Syed Murtaza, for respondent No.4 and Mr.N.Ibotombi, learned senior counsel assisted by Mr.A.Golly, learned counsel for respondent No.5.

The petitioner here also assails the common transfer order dated 15.12.2023 on the ground that she is retiring by February, 2024 and she has also submitted representation dated 18.12.2023 to the Commissioner, Social Welfare, Government of Manipur to allow her to remain in the original posting at Noney and I/C CDPO, ICDS, Project Nungba, by modifying the impugned order dated 15.12.2023. It is submitted that the representation is still pending with the authority. Mr.Ajoy Pebam, learned counsel for the petitioner submits that the writ petition may be disposed of with a

direction to the Commissioner, Social Welfare to dispose of the representation, within a period of three weeks, from the date of receipt of this order.

Mr.S.Nepolean, learned Government Advocate is agreeable to the submission made by Mr.Ajoy Pebam, learned counsel for the petitioner. Mr.N.Jotendro, learned senior counsel for respondent No.4 and Mr.N.Ibotombi, learned senior counsel for respondent No.5 also submit that this Court may pass any appropriate order in the circumstance.

[6] Recording this, the WP(C) No.902 of 2023 is also disposed of with the direction to the State authorities to consider and dispose of the representation dated 18.12.2023, by a speaking order, as per law, within three weeks from the date of receipt of this order. Till then, no coercive action be taken against the petitioner for non-joining to her place of new posting. Misc Aplns, if any, are also disposed of.

[7] **WP(C) No.906 of 2023**

Heard Mr.Y.Nirmolchand, learned senior counsel assisted by Mr.L.Raju, learned counsel for the petitioner, Mr.S.Nepolean, learned Government Advocate assisted by Ms.R.K.Emily, learned Dy. Government Advocate for the State respondent Nos.1 and 2, Mr.H.S.Paonam, learned senior counsel assisted by Mr.N.Bipin, learned counsel for respondent No.3.

By the present writ petition, the petitioner has also assailed the impugned common transfer order dated 15.12.2023 on the ground that the petitioner has been directed to draw salary from Jiribam in place of Imphal East. Mr.S.Nepolean, learned Government Advocate submits that he will take instruction with regard to salary.

List this case on **27.12.2023**, before the Vacation Court.

[8] **WP(C) No.922 of 2023 with
MC (WP(C)) No.475 of 2023**

Heard Mr.Y.Devdutta, learned counsel for the petitioner, Mr.S.Nepolean, learned Government Advocate assisted by Ms.R.K.Emily, learned Dy. Government Advocate for the State respondent Nos.1, 2 and 3 and Mr.M.Hemchandra, learned senior counsel assisted by Mr.M.Rendy, learned counsel for respondent No.4/caveator.

Caveat is discharged.

[9] In the present case, the petitioner also assails the common transfer order dated 15.12.2023 issued by the Government of Manipur.

[10] List the remaining writ petitions on 15.01.2024.

[11] Copy of this order be furnished to the learned counsel for the parties.

[12] Pendency of the present writ petition does not bar the State respondents from considering the representations submitted by the affected parties and pass an appropriate order in the circumstance of each case.

Respondents may file their counter affidavits by the next date.

JUDGE

Priyojit

RAJKUMAR
PRIYOJIT
SINGH

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RAJKUMAR
PRIYOJIT SINGH
Date: 2023.12.22
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