

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

W.A. No. 131 of 2022

Dr. L. Ranjit Singh, aged about 64 years, S/o (L) L. Chandra Singh of Kontha Ahallup Awang Leikai, P.S., Heingang, Imphal East District.

Appellant

Vs.

1. Dr. Hemam Priyosakhi Devi, aged about 63 years, W/o Sinam Rajendra Singh, resident of Chingmeirong East, P.O. Lamlong & P.S. Lamphel, District Imphal West, Manipur-795001.

Respondent

2. The Union of India, through the Secretary, Ministry of Health & Family Welfare, Government of India, Nirman Bhawan, New Delhi-110001.
3. The Under Secretary to the Govt. of India, Ministry of Health & Family Welfare, Nirman Bhawan, New Delhi-110001.
4. The Regional Institute of Medical Sciences (RIMS), Imphal, through its Director (RIMS) P.O. Imphal, P.S. Lamphel, District Imphal West, Manipur-795004.
5. The Deputy Director (Admn.), Regional Institute of Medical Sciences (RIMS), Imphal, P.O. Imphal, P.S. Lamphel, District Imphal West, Manipur-795004.

Proforma Respondents

BEFORE
**HON'BLE THE CHIEF JUSTICE MR. SANJAY KUMAR
HON'BLE MR. JUSTICE MV MURALIDARAN**

ORDER (ORAL)

***Sanjay Kumar (C.J.):
19.01.2023.***

[1] By judgment dated 19.12.2022, a learned Judge of this Court allowed W.P. (C) No. 867 of 2022 and set aside the order dated 12.10.2022 issued by the Under Secretary, Ministry of Health & Family Welfare, Government of India, whereby additional charge of the post of Director, Regional Institute of Medical

Sciences (RIMS), Imphal, was entrusted to respondent No. 5 in the writ petition. The learned Judge observed, however, that quashing of the said order would not preclude the official respondents from making a fresh in-charge arrangement in respect of the vacant post of Director, RIMS, Imphal, strictly in terms of the provisions of Rule 12(1)(iii) of the Rules and Regulations of RIMS, Imphal. Aggrieved thereby, respondent No. 5 in the writ petition filed this appeal.

[2] Heard Mr. HS Paonam, learned senior counsel, appearing for the appellant; Mr. BP Sahu, learned senior counsel, appearing for respondent No. 1, viz., the petitioner in W.P. (C) No. 867 of 2022; and Mr. Kh. Samarjit, learned DSGI, appearing for the Union of India and RIMS, Imphal.

[3] Interference by the learned Judge, as is evident from the judgment dated 19.12.2022, was primarily on the ground that Rule 12(1)(iii) of the Rules and Regulations of RIMS, Imphal, was not followed. This Rule made it clear that in respect of an unanticipated vacancy in the post of Director, RIMS, Imphal, the Administrative Ministry was empowered to make an additional charge arrangement, subject to the condition that the officer to whom such additional charge is assigned is the senior-most officer in the next lower grade. The learned Judge found that, in terms of the tentative inter-se seniority list of Professors in RIMS, Imphal, obtaining as on 01.07.2022, respondent No. 5 in the writ petition stood at serial No. 4, while the petitioner figured at serial No. 2 above him. It is not in dispute even now that no final seniority list is available at the moment and respondent No.1 herein was shown as senior to the appellant in the tentative seniority list.

[4] Further, the learned Judge found that the authorities had not even considered the cases of the other senior Professors while placing respondent No. 5

as the in-charge Director of RIMS, Imphal. It was on this basis that the learned Judge invalidated the order dated 12.10.2022 passed in favour of respondent No. 5 and left it open to the authorities to make interim in-charge arrangements strictly as per Rule 12(1)(iii) of the Rules and Regulations of RIMS, Imphal.

[5] It appears that, pursuant thereto, the Deputy Secretary, Ministry of Health and Family Welfare, Government of India, issued order dated 16.01.2023 which reads as follows: -

"No. U. 12025/15/2020-NE-Part (1)
Government of India
Ministry of Health & Family Welfare

Nirman Bhawan, New Delhi
Dated: 16th January, 2023

ORDER

In compliance of Hon'ble High Court order dated 19.12.2022 in W.P. (C) No. 867 of 2022 filed by Dr. H. Priyosakhi Devi vs UOI & others, this Ministry's order No. U.12025/53/2022-NE dated 12.10.2022 entrusting additional charge to the post of Director, RIMS to Dr. L. Ranjit Singh, Prof. Obst & Gynae, RIMS, Imphal is hereby cancelled.

2. The additional charge to the post of Director, RIMS, Imphal is hereby entrusted to Dr. H. Priyosakhi Devi, Prof., ENT, RIMS, Imphal upto 11.04.2023 or till regular appointment of Director, RIMS, Imphal or till further orders, whichever is the earliest.
3. This issues with the approval of competent authority.

(Dr. Pulkesh Kumar)
Deputy Secretary to the Government of India
Telephone No: 23062744"

[6] In the light of the aforestated development during the pendency of this case, the issue that arises presently is as to what is left in this appeal for adjudication on merits. Be it noted that the learned Judge did not issue any positive direction in favour of the petitioner in W.P. (C) No. 867 of 2022 to the effect that she should be entrusted with the additional charge of the post of Director, RIMS,

Imphal, and merely left it to the authorities concerned to do the needful strictly in accordance with Rule 12(1)(iii). In compliance with this direction, the Government of India, in its wisdom, has now entrusted the additional charge of the post of Director, RIMS, Imphal, to respondent No. 1 herein.

[7] Mr. HS Paonam, learned senior counsel, would contend that it would be necessary to examine whether the cases of other senior professors were considered when the decision was taken to entrust the additional charge to respondent No. 1 herein. However, in our considered opinion, any grievance that the appellant may have with regard to the later order dated 16.01.2023 would constitute a fresh cause of action as the decision embodied therein was taken by the authorities independently, in compliance with the direction of the learned Judge that they should follow the relevant Rule scrupulously. As to whether there was any error on the part of the authorities in doing so would not fall for consideration in this appeal and would necessarily have to be subjected to judicial review by way of independent proceedings instituted in accordance with law.

Leaving it open to the appellant to do so, if so advised, W.A. No. 131 of 2022 is dismissed.

In the circumstances, there shall be no order as to costs.

JUDGE

CHIEF JUSTICE

Sapana