

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

Cont.Cas(C)No.200 of 2022
Ref: WP(C)No.849 of 2022

Phurailatpam Vivekananda Sharma, aged about 54 years, S/o (L) Ph.
Tombi Sharma of Keishamthong Top Leirak, PO & PS Imphal, Imphal
West District, Manipur.

...Petitioner

– Versus –

1. M.H. Khan, IAS, Addl. Chief
Secretary/Commissioner/Secretary(Forest & Environment),
Government of Manipur, Old Secretariat Building, South Block,
Bapubara , PO & PS Imphal, Imphal West District, Manipur-79500;
2. Dr. Rajesh Kumar, IAS, Chief
Secretary/Commissioner/Secretary(DP), Government of Manipur,
Old Secretariat Building South Block, Babupara PO & PS Imphal,
Imphal West District, Manipur-795001; and
3. Dr. Y. Nabachandra Singh, Director, Environment & Climate Change,
Porompat Imphal East District, Manipur-795010.

.... Respondents.

BEFORE

HON'BLE THE ACTIING CHIEF JUSTICE MR. M.V. MURALIDARAN

For the Petitioner : Mr. NG Jotindra,. Adv.

For the Respondents : Mr. Lalleiba, Adv.R1 & Mr. L. Raju,
Adv. R2

Date of reserved. : 17.03.2023

Date of Judgment & Order : 18.04.2023.

JUDGMENT & ORDER
(CAV)

1. Heard Mr. NG Jotindra, the learned counsel for the petitioner and Mr. L. Raju, learned counsel for the contemnors.

2. This contempt case has been filed by the petitioner to punish the respondents for their willful disobedience of the order dated 19.10.2022 passed in W.P.(C) No.849 of 2022.

3. The learned counsel appearing for the petitioner submitted that on 19.10.2022 while admitting the writ petition, this Court directed the contemnors to carry out the decision for promotion to the post of Joint Director in the Directorate which was explained in the impugned order dated 25.7.2022 and finalize the seniority list on or before 15.11.2022. He would submit that

despite communicating the order dated 19.10.2022 through legal notice and the reminder notice dated 23.11.2022, the contemnors had failed to comply with the interim order of this Court. Therefore, it is clear that the contemnors had wilfully and intentionally disobeyed the order of this Court dated 19.10.2022. Thus, a prayer has been made to punish the contemnors for their wilful disobedience of the interim order of this Court dated 19.10.2022 passed in W.P.(C) No.849 of 2022.

4. Per contra, the learned counsel appearing for the respondents submitted that in compliance with the interim order dated 19.10.2022 passed by this Court, the Deputy Secretary, (Forest, Environment and Climate Change) had issued an order dated 11.1.2023 thereby finalizing the seniority list of the existing three Deputy Directors in the Directorate of Environment and Climate Change. He would submit that as far as the promotion to the post of Joint Director is concerned, the matter is under active consideration by the competent and concerned Departments.

5. This Court considered the rival submissions and also perused the materials available on record.

6. On 19.10.2022, when the writ petition is taken up for hearing, this Court passed the following interim order:

“[1] Heard Mr. Ng. Jotindra Luwang, learned counsel for the petitioner and perused the records.

[2] Mr. Y.Ashang, learned Government Advocate takes notice and seeks time to get instruction and file counter affidavit.

[3] When the matter was taken up for motion on 12.10.2022, the learned counsel for the petitioner pressing for interim order whereas Mr. Y.Ashang, learned Government Advocate has strongly objected for granting any interim order.

[4] Therefore, on hearing both the learned counsel appearing for the parties, this Court reserved for orders for consideration of interim order.

[5] On consideration of the arguments advanced by the learned counsel for petitioner & the respondents and thereafter, perusal of records attached with the writ petition, I am inclined to pass the following orders.

a) the writ petition is admitted.

b) Since Mr. Y.Ashang, learned Government Advocate takes notice for all the respondents, no formal notice is required.

c) the respondents are directed to file counter affidavit on 05.12.2022.

d) Registry is directed to print the name of Mr. Y.Ashang, learned Government Advocate in the cause-list.

e) For the interim, the respondents are directed to carry out the decision for promotion to the post of Joint Director in the directorate which is more fully explained in the last second para of the impugned order dated 25.07.2022 and finalize the seniority list on or before 15.11.2022.

f) Registry is directed to post the matter on 05.12.2022.”

7. The petitioner alleges that the aforesaid interim order of this Court has not been complied with by the contemnors and, therefore, they should be punished.

8. On the other hand, by producing the order of the Deputy Secretary (Forest, Environment and Climate Change) dated 11.1.2023, the learned Government Advocate contended that the Administrative Department has already issued an order to the extent of finalizing the seniority of the existing Deputy Directors in the Directorate and on finalization of the said seniority in the matter for promotion of the existing Deputy Directors to the vacant posts of Joint Director in the Directorate is under process.

9. It appears that the contempt case has been filed on 21.12.2022 and pending contempt case, on 11.1.2023, the Deputy Secretary of the Department issued an order finalizing the seniority of the existing Deputy Directors in the Directorate of Forest, Environment and Climate Change, Manipur.

10. In order to give promotion to the post of Joint Director in the Directorate, the competent authority has to first finalise the seniority of the existing Deputy Directors, which has now been done by the competent authority and the petitioner has also no quarrel on it. As far as the promotion of the existing Deputy Directors to the vacant posts of Joint Director is

concerned, according to the contemnors, the same is under process and following the procedures, promotion to the post of Joint Director will be given.

11. Since the process for promotion of the existing Deputy Directors to the vacant posts of Joint Director in the Directorate is under process, the contempt case is closed with a direction to the contemnors to expedite the process, preferably within a period of one month from the date of receipt of a copy of this order. Accordingly, notice to the contemnors is discharged. Liberty is granted to the petitioner to revive the contempt case in case of any violation of the interim order dated 19.10.2022 in respect of promotion to the post of Joint Director.

ACTING CHIEF JUSTICE

FR/NFR

John Kom