

GAHC010216602023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WA/360/2023

THE UNION OF INDIA AND 3 ORS.
THROUGH THE SECRETARY, MINISTRY OF HEALTH AND FAMILY
WELFARE, GOVT. OF INDIA, NIRMAN BHAWAN, NEW DELHI- 110001.

2: THE DEPUTY SECRETARY
TO THE GOVT. OF INDIA
MINISTRY OF HEALTH AND FAMILY WELFARE
NIRMAN BHAWAN
NEW DELHI- 110001.

3: THE REGIONAL INSTITUTE OF MEDICAL SCIENCES (RIMS)
IMPHAL
THROUGH ITS DIRECTOR (RIMS)
P.O.- IMPHAL
P.S.- LAMPHEL
DIST.- IMPHAL WEST
MANIPUR- 795004.

4: THE DEPUTY DIRECTOR (ADMN.)
REGIONAL INSTITUTE OF MEDICAL SCIENCES (RIMS)
P.O.- IMPHAL
P.S.- LAMPHEL
DIST.- IMPHAL WEST
MANIPUR- 795004

VERSUS

L. RANJIT SINGH AND ANR.
S/O (L) L. CHANDRA SINGH OF KONTHA AHALLUP AWANG LEIKAI, P.S.-
HEINGANG, IMPHAL EAST DISTRICT.

2:HEMAM PRIYOSAKHI DEVI
W/O SINAM RAJENDRA SINGH

R/O CHINGMEIRONG EAST
P.O.- LAMLONG AND P.S.- LAMPHEL
DIST.- IMPHAL WEST
MANIPUR- 785001

Advocate for the Petitioner : DY.S.G.I.

Advocate for the Respondent : MR. N SINGH, R-1

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

HON'BLE MR. JUSTICE BUDI HABUNG

ORDER

28-09-2023

(M.R.Pathak, J)

Heard Mr. S. Singh, learned Deputy Solicitor General of India assisted by Ms. L. Devi, learned counsel for the appellants and Mr. Y. N. Singh, learned Senior counsel assisted by Mr. N. A. Singh, learned counsel for the respondent No. 1(writ petitioner).

2. Matter pertains to entrusting the additional charge of Director of the Regional Institute of Medical Sciences (RIMS), Manipur, Imphal, till the regular appointment of the Director of the said institute.

3. In compliance of the order dated 19.12.2022 passed by the Hon'ble Single Judge, Manipur High Court, Imphal in WP(C) No. 867/2022, the Government of India in the Ministry of Health and Family Welfare Department by order under No. U.12025/15/2020-NE-Part(1) dated 16.01.2023 cancelled the appointment of the respondent No.1 herein, i.e., the concerned writ petitioner, namely, Dr. L. Ranjit Singh, Professor of Obstetrics and Gynaecology of RIMS, Imphal as the Director in-charge of RIMS, Imphal and entrusted the charge of Director of RIMS, Imphal with Dr. Hemam Priyosakhi Devi, Professor of ENT, RIMS, Imphal upto 11.04.2023 or till regular appointment of the Director of RIMS, Imphal or till further orders, whichever is the earliest.

4. Dr. L. Ranjit Singh, Professor of Obstetrics and Gynaecology of RIMS, Imphal being aggrieved filed the writ petition, being WP(C) No. 65/2023 before the High Court of Manipur at Imphal, praying

amongst others to – (i) issue rule nisi and call for the records; (ii) issue a writ of certiorari or any other appropriate writ or direction of the like nature quashing and setting aside the impugned order No. U.12025/15/2020-NE-Part(1) dated 16.01.2023 thereby entrusting the additional charge of the Director of RIMS, Imphal to the respondent No. 5; (iii) direct the respondent to consider the case of the petitioner for conferring the charge of the Director of RIMS, Imphal being the senior most Professor in RIMS pending appointment of a regular Director in RIMS; (iv) pass an interim order staying or suspending the impugned order No. U.12025/15/2020-NE-Part(1) dated 16.01.2023 thereby entrusting the additional charge of the Director pending disposal of the writ petition and (v) pass any further order(s)/directions.

5. In said WP(C) No. 65/2023, Hon'ble the Acting Chief Justice of the High Court of Manipur on 03.06.2023 passed a judgment and order with the following directions and observations –

“37. It is not the case of the respondent Nos. 1 to 4 that the petitioner is not suitable to hold the additional charge to the post of Director, RIMS, Imphal. The respondents 1 to 4 contended that pursuant to the order dated 01.05.2023 Dr. Guruaribam Sunil Kumar Sharma has not joined the duty till date even though the respondent no. 2 extended the time for 2 (two) weeks i.e. upto 15.06.2023 by order dated 30.05.2023. Since the petitioner is senior most Professor and already held the additional charge to the post of Director, RIMS, Imphal and also he is likely to be superannuated in the month of September, 2023, this Court is of the view that in the interest of justice and equity, the respondents 1 to 4 are directed to consider to give in-charge post of Director, RIMS, Imphal to the petitioner till his retirement.

38. In the result,

(a) The writ petition is allowed and the order dated 16.01.2023 and the subsequent extension dated 10.04.2023 issued by the second respondent are set aside.

(b) MC (WP(C)) No. 121 of 2023 and MC(WP(C)) No. 160 of 2023 are disposed of .

(c) The respondents 1 to 4 are directed to give additional charge of Director, RIMS, Imphal to the petitioner till his retirement in the month of September, 2023.

(d) Since the order dated 01.05.2023 has been issued without leave of Court and Dr. Guruaribam Sunil Kumar Sharma has not joined duty, this Court directs the respondents 1 to 4 not to give effect of the order dated 01.05.2023 issued by the Deputy Secretary to the Government of India, Ministry of Health and Family Welfare (NE Section) and the same shall be kept in abeyance.

(e) There will be no order as to costs."

6. Because of non-compliance of the said judgment and order dated 03.06.2023, noted above, the concerned petitioner also preferred a contempt petition being Cont.Cas(C) No. 64/2023 before the High Court of Manipur at Imphal.

7. The present appellants as petitioners/appellants preferred a Special Leave Petition before the Hon'ble Apex Court against the said judgment and order dated 03.06.2023 passed in WP(C) No. 65/2023, noted above, wherein the Hon'ble Apex Court by order dated 29.08.2023 observed as follows:-

"3.Considering the above, we deem it appropriate allow transfer of Writ Appeal No. 54 of 2023 titled "Union of India and Others vs. Dr. L. Ranjit Singh and Another" and Miscellaneous Case (Writ Appeal) No. 103 of 2023 titled "Union of India and Others vs. Dr. L. Ranjit Singh and Another" pending in the High Court of Manipur at Imphal, to the Gauhati High Court at Guwahati. It is ordered accordingly.

4.However, we record the assurance of the learned Senior Counsel for the 1st respondent that he will not press the contempt petition during the pendency of the proceedings before the Gauhati High Court. Both the writ appeal and Miscellaneous Case (Writ Appeal) are to be considered on their own merit.

5. The Registry of the High Court of Manipur would expeditiously transmit the records to the Gauhati High Court at Guwahati.

6. With the above order, the Transfer Petitions stand disposed of.

7. Pending applications(s), if any, shall stand closed."

8. In that backdrop, this appeal has been placed before this Court.

9. During the deliberation of the matter, Mr. Singh, learned Deputy SGI appearing for the appellants apprised the Court that the regular Director of RIMS, Imphal pursuant to the appointment order issued by the Ministry of Health and Family Welfare Department, Government of India joined his service on 04.06.2023 and is serving in that post till date.

10. It is placed before the Court by Mr. Singh, learned Deputy SGI for the appellants that the

respondent No.1 herein/writ petitioner of said WP(C) No. 65 of 2023, i.e., Dr. L. Ranjit Singh has already retired from service on 31.08.2023 on attaining the age of superannuation at 65 years.

11. From the seniority list of 5 (Five) Nos. of Professors of RIMS, Imphal, the concerned committee of 4 (four) persons that was constituted by the respondent No.1 herein/writ petitioner on 17.12.2022 in its meeting held on 09.01.2023 determined the respondent No.1 herein/writ petitioner, Dr. L. Ranjit Singh as the senior most Professor of RIMS, Imphal wherein his date of birth has been reflected as 01.09.1958.

12. Placing the same, Mr. Singh, learned Deputy SGI appearing for the appellants submits that the petitioner has already retired from service on 31.08.2023 on attaining the age of superannuation at 65 years.

13. It is also placed before the Court that the Government of India in its Ministry of Health and Family Welfare Department (North East Section) by order under F. No. U-12025/01/2023-NE dated 30.06.2023 approved the Inter-se seniority list of Professors of RIMS, Imphal finalised in the meeting held on 17.06.2023 by which the respondent No.2 herein, namely, Dr. Hemam Priyosakhi Devi, Professor (ENT) was determined to be the senior most Professor of RIMS, Imphal.

14. Mr. Y. N. Singh, learned Senior counsel for the respondent No.1/writ petitioner admitted the fact that the said respondent No.1, Dr. L. Ranjit Singh has already retired from service on 31.08.2023 on attaining the age of superannuation at 65 years.

15. In view of the above, this appeal being infructuous, stands disposed of.

JUDGE

JUDGE

Comparing Assistant