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Item Nos. 34-36

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

WA No. 2 of 2024

With
MC(WA) No. 27 of 2024
With
MC(WA) No. 3 of 2024

State of Manipur & 3 ors.

Appellants

Vs.

Peijonna Kamei

Respondent

BEFORE

**HON'BLE THE CHIEF JUSTICE MR. SIDDHARTH MRIDUL
HON'BLE MRS. JUSTICE GOLMEI GAIPHULSHILLU KABUI**

ORDER

07.05.2024.

Siddharth Mridul, C.J.:

Mr. H. Devendra, learned Dy. A.G., appears on behalf of the State;
and Mr. M. Hemchandra, learned senior counsel, appears on behalf of the
respondent.

The present appeal instituted on behalf of the State of Manipur assails
the Judgment & Order dated 08.12.2023 rendered by the learned Single Judge in
WP(C) No. 170 of 2023 [*Ms. Peijonna Kamei vrs. State of Manipur & anr.*], whereby
the learned Single Judge directed as follows:-

"[10] From the letter dated 06.12.2023 submitted by the learned G.A. today, in case of Director, last extension was made on 10.11.2023 for further period of 180 days. However, there is no extension of suspension after the order dated 18.02.2023 for the Director and no such order for the Deputy Director after the order dated 17.02.2023. Therefore, in terms of the mandate of Rule 10 sub-rule 6 of the CCS (CCA) Rules, 1965, the 2 (two) suspension orders for Director and Deputy Director both dated 20.11.2022 cannot survive any longer. Hence, they are quashed and the petitioners be reinstated in their service with immediate effect. However, this Court is not passing any direction with respect to the disciplinary proceedings initiated against the petitioners. The State Government may complete the enquiry proceedings as per Rules.

[11] Mr. Shyam Sharma, learned G.A., submits that due to the exceptional situation prevailing in the State of Manipur, the enquiry against the petitioners could not be completed within the stipulated period of time and as such, 6(six)

months time may be given to complete the disciplinary proceedings as an exception.

[12]*Mr. M. Hemchandra, learned senior counsel, also fairly admits that the prayer No. 5 in both the writ petitions is for a direction to expedite the disciplinary proceedings and submits that this Court may pass appropriate order.*

[13]*Considering the peculiar facts and circumstances of the case, the State respondents are directed to complete the disciplinary proceedings pending against the petitioners within a period of 6(six) months from the date of receipt of a copy of this order.*

[14]*With this observation, writ petitions are disposed of. No cost."*

Learned senior counsel appearing on behalf of the State of Manipur, invites our attention to paragraph No. 7 of the impugned order dated 08.12.2023 to urge that the learned Single Judge failed to consider the import of paragraph No. 2 of the letter dated 06.12.2023 sent by the Deputy Secretary (DP), Government of Manipur, to the Government Advocate office, stating that the period of the original petitioner's suspension was extended beyond 13.11.2023 vide order dated 10.11.2023 i.e., prior to the expiry of the stipulated period of time. In this behalf, it is urged that the said information was handed over in Court to the learned Single Judge, who, however, failed to consider it, whilst determining the issue of the original petitioner's suspension.

Mr. M. Hemchandra, learned senior counsel appearing on behalf of the original petitioner, however, states that as observed by the learned Single Judge, the said letter dated 06.12.2023 submitted by the Government Advocate was not placed on the record on affidavit in accordance with law, and was therefore, correctly not considered by the learned Single Judge.

After some arguments, learned senior counsel appearing on behalf of the appellants, in view of the foregoing circumstance, seeks leave to withdraw this appeal with liberty to approach the learned Single Judge by way of an appropriate

proceeding seeking review of the impugned order dated 08.12.2023, in accordance with law.

Leave and liberty granted.

The appeal is accordingly dismissed.

We, however, hasten to add that we have not expressed any opinion on the merits of the case.

MC(WA) No. 27 of 2024 and MC(WA) No. 3 of 2024 are also accordingly dismissed.

Indrajeet

JUDGE

CHIEF JUSTICE