

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

WP(C)No.165 of 2022

Public Health Engineering Department Workers and Employees Organization, Manipur(Regd. No.734 of 2011) represented by its President, Shri Bramachariyum Gunamani Sharma, aged about 58 years, S/o(Late) B. Tomba Sharma, resident of Khongman Mangil Mamang Kongba Road, PO Imphal, PS Irilbung, Imphal East District, Manipur-785001.

...Petitioner

- Versus -

1. The State of Manipur, through the Secretary/Commissioner, Public Health Engineering Department, Government of Manipur, Old Secretariat, South Block, PO & PS Imphal, Babupara, Imphal West, District & **2 Ors.**

...Respondents

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

ORDER

(Oral)

06.02.2024.

[1] Heard Mr. CH. Momon, learned counsel appearing for the petitioner and Mrs. CH. Sundari, learned GA for the State respondents.

[2] The petitioner is association of the Employees of the

Public Health Engineering Department, Government of Manipur.

[3] By the present writ petition, the petitioner prayed for confirmation of serving of the 346 Work Charge Employees of the Public Health Engineering Department, Government of Manipur working in different capacities in different Divisions throughout the State of Manipur.

[4] The prayer is reproduced as follows:

(i) to issue a writ in the nature of mandamus or any other writ, or directions to the respondents to confirm/permanency the services of the petitioners in the PHE, Department, Manipur forthwith, for the purpose of pensionary and other benefits.

(ii) to pass an interim order directing the respondents to dispose of the petitioners' joint representation dated 08.02.2021 during the pendency of the writ petition.

(iii) to pass any further order or orders as the Hon'ble High Court may seem fit and proper for the ends of Justice and equity.

[5] Mrs. Ch. Sundari, learned GA for the State respondents submits that the purpose of filing the present writ petition is to confer confirmation of the Work Charge Employees.

[6] The list of 346(three hundred and forty six) number of unconfirmed Work Charge employees working in different capacities in different divisions are enumerated in Annexure A/4.

[7] It is prayed that necessary direction may be issued to the State respondents for confirming the 346 Work charged

members of the petitioner as they are eligible as per the Office Memorandum dated 22.01.2001.

[8] Mrs. CH. Sundari, learned GA has pointed out that there is no post for considering for confirmation of unconfirmed Work Charge employees working in the PHE, Department, Manipur and the prayers of the petitioner may not be granted in absence of any scheme or policy or creation of the permanent post for confirmation. Accordingly, she prays that the writ petition may be dismissed at this stage.

[9] On the other hand, Mr. Ch. Momon, learned counsel appearing for the petitioner submits that it will be sufficed if direction is given to the respondents for considering the prayer of confirmation as per the prevailing Rules.

[10] With the above observation, the present writ petition is disposed of with a direction to consider the prayer for confirmation of 346 work charged employees of PHED, Manipur within 3(three) months from the date of receipt of a copy of this order.

[11] It is made clear that this Court does not express any opinion on the merit of the case.

[12] Furnish copy of this order to both the counsels appearing for the parties.

JUDGE

John Kom