

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

WP(C) No. 177 of 2024

Lairenmayum Hemachandra Singh and 18 Others

Petitioners

Vs.

State of Manipur and 18 Others

Respondents

BEFORE

**HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH
HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA**

29.07.2024

(A. Bimol Singh, J)

Heard Mr. Kh. Tarunkumar, learned senior counsel assisted by Ms. Julekha, learned counsel appearing for the petitioners; Mr. H. Debendra, learned Deputy AG assisted by Mr. Dimal Kumar, learned counsel appearing for the State respondents and Mr. AC Themreichan, learned counsel appearing for the Manipur Public Service Commission.

The present writ petition has been filed seeking for the following reliefs :-

- "ii) issue a writ of certiorari to quash/set aside the Legal Officer Recruitment Rules, 2017 in respect of the scale of pay for the said post i.e. Pay Band 2 Rs. 9300-34800+ GP 4400 (Annexure-A/34) as the same is not sustainable in the eyes of law.*
- iii) issue a writ of mandamus by directing the respondents to create promotional avenue of the post of Legal Officer to a higher post as have been in respect of other similarly situated incumbents serving in the MPSC and the Manipur Legislative Assembly Secretariat and MSPCL within a stipulated period.*

- iv) issue a writ of mandamus by directing the respondents particularly the Principal respondents by directing them to allow the petitioners to enjoy the scale of pay of Pay Band 2 – Rs. 9300-34800 + GP 5400 as have been done in respect of their counterparts serving in the Manipur Legislative Assembly and the Manipur Public Service Commission within a stipulated period.”*

At the outset, Mr. H. Debendra, learned Deputy AG, draws our attention to the affidavit-in-opposition filed on behalf of the respondent No. 1 more particularly, at paragraph No. 52 of the said affidavit-in-opposition wherein, it has been, *inter alia*, stated that the earlier proposal submitted by the Department of Personnel, Government of Manipur for re-fixation of the pay scale enjoyed by the present petitioners had been withdrawn and that the Government is taking up another process for reconsideration/re-examination of the demand made by the petitioners in the present writ petition for re-fixation of their pay scale.

The learned Deputy AG submitted that the present writ petition can be disposed of by issuing a simple direction to the State respondents to expedite the process for reconsideration about the re-fixation of the pay scale enjoyed by the petitioners.

Mr. Kh. Tarunkumar, learned senior counsel appearing for the petitioners fairly submitted that he also received instruction from his client that they are also agreeable to the proposal that the process for re-examination about the re-fixation of their pay scale shall be expedited and to pass appropriate order after completion of the re-examination process within a stipulated period of time.

The learned senior counsel further submitted that a direction be issued to the respondents to take into consideration the pay scale and promotional avenue enjoyed by the counterparts of the present petitioners, viz., the OSD (Law) of the Manipur Public Service Commission and Legal Officers of the Manipur Legislative Assembly, which posts carries the pay scale of Rs.9,300-34,800/- per month with Grade Pay pay scale of Rs. 5400/-, at the time of such reconsideration.

The learned senior counsel further prays that a further direction be issued to the respondents to consider for providing promotional avenues to the present petitioners as has been provided to other Government employees similarly situated with them.

Taking into consideration, the submissions advanced by the learned counsel appearing for the parties and after examination of the materials available on record, we are of the considered view that interests of justice will be served by disposing of the present writ petition with the following directions :-

- a) the Commissioner/Secretary (DP), Government of Manipur and Commissioner (Finance), Government of Manipur are hereby directed to expedite the process for reconsideration of the re-fixation of the pay scale of the petitioners as early as possible and to issue appropriate orders. It is made clear that at the time of such reconsideration, the authorities should take into consideration the pay scale enjoyed by the persons similarly situated with the petitioners, more particularly, the OSD (Law) of the MPSC and Legal Officer of the Manipur Legislative Assembly.

- b) the respondents No. 1 and 2 are further directed to consider the grievances raised by the petitioners about providing avenues for their promotion as has been given to other persons who are similarly situated with them and to pass a speaking order thereof after such consideration.
- c) it is made clear that the whole process shall be completed within a period of 6 (six) months from today.

With the aforesaid direction, the present writ petition is disposed of.

JUDGE

JUDGE

Sushil