

Item No. 10

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

WP(C)No.203 of 2024

Md. Jahur Ali, aged about 59 years, S/o Hazi Jamrud, a resident of Porompat Thawanthaba Leikai, PO & PS Porompat, Imphal East, Manipur-795005 at present working as Inspector, 8-IRB, attached with CID(CB) having its office CID Head Quarter, Bapupara.

...Petitioner

- Versus

The State of Manipur represented by the Commissioner/Secretary(Home), Govt. of Manipur, Secretariat Complex, Babupara, PO & PS Imphal West, Manipur-795001 & **3 Ors.**

...Respondents

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

18.03.2024.

[1] Heard Mr. N. Jotendro, learned senior counsel assisted by Mr. Syed Murtaza, learned counsel for the petitioner and Shyam Sharma, learned G.A on behalf of the State respondents.

[2] The petitioner who is posted as Inspector attached with CID (Crime Branch) is transferred as OC/Chalwa-PS vide common order dated 25.02.2024 issued by Director General of Police, Manipur.

[3] It is stated that the petitioner is retiring within 11 (eleven) months and the transfer is in violation of the notification dated 12.05.2022 issued by Department of Personnel and Administrative Government of Manipur which stipulates that 2(two) years before the retirement, an employee may be posted in the home district. It is also stated that the wife of the petitioner is undergoing regular dialysis and there is no one to look after his wife. The wife of the petitioner submitted a representation dated 26.02.2024 to the Director General of Police for consideration the case of her husband.

[4] Mr. Shyam Sharma, learned Government Advocate has pointed out that the writ petition is not maintainable as the Election Commission of India is not made party in the present writ petition and the impugned transfer order transferring 33(thirty three) Inspectors of Manipur Police is done in compliance of the Guidelines issued by the ECI in connection with the coming Lok-Sabha Election and also stated that the petitioner has not made any representation to the authority and has approached directly to this Court.

[5] Mr. N. Jotendro, learned senior counsel appearing for the petitioner submits that the petitioner may be permitted to submit a fresh and detailed representation to the concerned authority including Election Commission of India for consideration of his case within a period of 2(two) days and the authority may consider the representation

and dispose of by a speaking order within a further period of one week thereafter.

[6] Considering the submission made at the bar, the present writ petition is disposed of with a liberty to the petitioner to submit a detailed representation to the competent authority including the Election Commission of India for considering his case. The representation may be submitted within 2(two) days and the authority may dispose of the same within one week from the date of receipt of the fresh representation.

[7] With the above observations, the writ petition is disposed of.

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

[9] Furnish a copy of this order to the learned counsel appearing for the parties.

JUDGE

John Kom