

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

WP(C) No.346 of 2023 with
WP(C) No.345 of 2022

Md.Yahiya Khan

... Petitioner

-Versus-

State of Manipur

... Respondent

BEFORE

HON'BLE MR. JUSTICE A.GUNESHWAR SHARMA

19.12.2024

Heard Mr.L.Raju, learned counsel for the petitioner and Mr.Sukumar, learned GA for the State respondents.

The petitioner was initially engaged as Casual Forest Guard on Muster Roll basis vide order dated 28.12.1992 w.e.f. 14.12.1992 to 13.3.1993 and by another order dated 12.1.1994, his engagement was extended for another period w.e.f. 10.1.1991 to 9.4.1994. By the impugned order dated 28.5.2019 passed by the Under Secretary, Forest, Government of Manipur, the case of the petitioner and another person, for promotion, was rejected. The petitioner has no record of engagement as Casual Forest Guard under Muster Roll, for a period of seventeen years, i.e. from 10.4.1994 to 14.1.2011 in any Forest Office. Being aggrieved by the impugned order dated 28.5.2019 rejecting representation for regularization of the petitioner, approached this Court for a direction to regularise his casual/muster roll service as Forest Guard.

Mr.L.Raju, learned counsel for the petitioner submits that vide order dated 14.1.2011 issued by the Principal Chief Conservator, Manipur, petitioner was engaged as Casual Forest Guard and placed at the disposal of the office of the Forest Division-IV with immediate effect and until further orders.

Learned counsel for the petitioner also draws attention of this Court to two duty certificates dated 14.1.2014 and 27.10.2016 certifying that the petitioner was working in the Forest Division-IV as casual Forest Guard. Mr.Raju, learned counsel for the petitioner further submits that respondents may be directed to consider the case of the petitioner for regularisation considering his continuous engagement since 14.1.2021.

Mr.Sukumar, learned GA submits that this Court may pass an innocuous order directing the State respondents to consider the case of the petitioner w.e.f. 14.1.2021 as submitted by the petitioner. However, learned GA clarifies that the order dated 12.6.2017 (Annexure A/15) regularizing 37 casual employees of the Forest Department was as per direction of the Hon'ble High Court as well as Supreme Court.

Recording the submissions made at the Bar and with the alternative relief prayed for by the petitioner, during the course of hearing, the writ petition is disposed of by directing the State respondents to consider the case of the petitioner for regularisation under any Scheme or Rules, if any, available and while doing so, State may examine whether the petitioner is actually in service or not.

Petitioner may also furnish any additional document for consideration.

The State respondents may also examine whether the petitioner is still in service or not.

With these observations and direction, the writ petition is disposed of. The while exercise may be completed within a period of three months from the date of receipt a copy of this order.

WP(C) No.345 of 2022

Mr.Areng Chiru Vs State of Manipur.

19.12.2024

Heard Mr.L.Raju, learned counsel for the petitioner and Mr.Sukumar, learned GA for the State respondents.

The petitioner was engaged as casual Forest Guard under Muster Roll, vide order dated 7.11.1992 issued by the Conservator of Forest, Government of Manipur, until further orders.

The petitioner and another, filed representation for regularisation of their casual services. However, by the impugned order dated 28.5.2019, representation of the petitioner was rejected on the ground that as per Duty Certificate dated 4.9.2017 the petitioner served till August, 2013 under Churachandpur Division and petitioner discontinued service in the department.

As per Duty Certificate at Annexure A/19 and A/20 the petitioner was serving till 31.3.2019 and the petitioner has completed ten years of continuous service as casual worker and he is eligible for regularisation as directed in the order dated 19.12.2024 in WP(C) No.346 of 2022.

Mr.Sukumar, learned GA has clarified that Duty Slip and Annexures A/19 and A/20 have been issued by the officer in their personal capacity and they are not the DDOs concerned.

Respondents are directed to consider the case of the petitioner for regularisation, in terms of any scheme or rules.

Petitioner may also furnish any additional document for consideration.

The State respondents may also examine whether the petitioner is still in service or not.

With these observations and direction, the writ petition is disposed of. The while exercise may be completed within a period of three months from the date of receipt a copy of this order.

JUDGE

Priyojit