

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

WP(C) No. 598 of 2023

Rasidamad Bogi

.....*Petitioner/s*

- Versus -

State of Manipur & 6 Ors.

.... *Respondent/s*

BEFORE
HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA

Order

20.06.2024

[1] Heard Mr. N. Jotendro, learned senior counsel assisted by Mr. Syed Murtaza Ahmed, learned counsel for the petitioner, Mr. Th. Sukumar, learned G.A. for the State respondent and Mr. Y. Nirmolchand, learned senior counsel assisted by Mr. L. Raju, learned counsel for respondent Nos. 3 to 6. None appeared on behalf of respondent No. 7.

[2] The petitioner is aggrieved by an order dated 22.08.2023 issued by the Deputy Secretary (Fishery), Government of Manipur staying the order dated 04.08.2023. By the order dated 04.08.2023 issued by the Additional Secretary (Fishery), Government of Manipur, the petitioner, who was working as Fishery Inspector, Thoubal, was given in-charge Fishery Officer, Thoubal. This order is stayed by the impugned order dated 22.08.2023.

[3] In the counter affidavit filed by the State respondent, the reason for staying the order dated 04.08.2023 is that there are many Senior Fishery Inspectors above the petitioner and by the order dated 04.08.2023 while making in-charge arrangement, the seniors have been ignored.

[4] Mr. N. Jotendro, learned senior counsel for the petitioner, submits that the private respondent No. 3 has already retired on attaining the age of superannuation and other private respondents have been adjusted as in-charge Fishery Officers and in the changed circumstances, the order dated 04.08.2023 may be restored and the petitioner may be conferred with in-charge District Fishery Officer, Thoubal in view of the proposal dated 05.08.2021 initiated by the Director Fishery, Manipur for in-charge appointment.

[5] On the other hand, Mr. Y. Nirmolchand, learned senior counsel for some of the private respondents, submits that admittedly as per seniority list of Fishery Inspectors/Instructors/Fishery Extension Assistants as on 30.06.2022, the petitioner is at serial No. 17 while private respondents are at serial Nos. 1, 2, 3 & 7. As such, 11 persons, who are senior to the petitioner, are still working in the department.

[6] Mr. Th. Sukumar, learned G.A. for the State respondent, draws the attention of this Court that by reviving the order dated 04.08.2023, all other Senior Fishery Officers, etc. will be overlooked and submits that the order dated 04.08.2023 may not automatically be revived.

[7] Considering the submissions made at the bar and in the changed circumstances, this Court is of the opinion that writ petition may be disposed of with a direction to the State respondent to make in-charge arrangement as per existing Rules applicable.

[8] The case of the petitioner may also be considered, if he is otherwise eligible.

[9] This Court does not express any opinion on the merit of the case.

[10] With this observation, writ petition is disposed of.

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

JUDGE

Kh. Joshua Maring

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JOSHUA
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by KH. JOSHUA
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