

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

WP(C)No.620 of 2022

1. Asem Shachinath Singh, aged about 49 years, S/o A. Ibocha Singh of Thoubal Athokpam, PO & PS Thoubal, Thoubal District, Manipur-795138.
2. Wahengbam Ibothoiba Singh, aged about 48 years, S/o W. Irabot Singh of Wabagai Terapishak, PO & PS Kakching, Thoubal District Now Kakching District, Manipur-795103.
3. Elangbam Birendrajit Singh, aged about 48 years, S/o El. Heramot Singh of Yandong Village, PO Kakching, PS Waikhong, Thoubal District Now Kakching District, Manipur-795103.

...Petitioners

- Versus-

1. The State of Manipur represented by Additional Chief Secretary/Commissioner/ Secretary, Rural Development and Panchayati Raj Department, Government of Manipur, Old Secretariat, South Block PO & PS Imphal, Babupara, Imphal West District, Manipur-795001.

2. The Director, Rural Development and Panchayati Raj Department, Manipur, Porompat, PO & PS Porompat, Imphal East District, Manipur-795001.

...Respondents

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

15.04.2024.

[1] Heard Mr. C.H Momon, learned counsel for the petitioner and Mr. Shyam Sharma learned counsel for the State respondents.

[2] Earlier, the petitioners approached this Court by way of writ petition being WP(C) No.186 of 2008 thereby challenging the cancellation of their appointments against the deputation vacancies.

[3] Vide order dated 18.04.2018, this Court directed the respondents to reinstate the petitioners to their posts with no back wages as they were out of service for more than 10(ten) years.

[4] In compliance of the order dated 18.04.2018 in the writ petition being WP(C)186 of 2008, the Director Rural Development and Panchayat Raj, Manipur issued an order dated 20.03.2021 thereby reinstating with immediate effect as Road Muhorrirs. The petitioners being partly aggrieved by the order dated 20.03.2021 of adjusting the service of the petitioners with immediate effect, they again approached this Court by way of the present writ petition being WP(C) No.620 of 2022 praying for a direction to link up their services for the purpose of pensionary benefits.

[5] Mr. C.H Momon, learned counsel for the petitioner submits that the order 20.03.2021 issued by the Director, RD & PR Manipur is not in strict compliance of the direction passed by this Court in the order dated 18.04.2018 in WP(C)No. 186 of 2008, whereby direction was issued for reinstatement. It is also pointed out that reinstatement means the petitioners will enjoy all the service benefits without the provision of back wages as directed by this Court.

[6] On the other hand, Mr. Shyam Sharma, learned G.A draws the attention of this Court to the contents of para 6 of the counter affidavit filed by the respondents stating that as the service of the petitioners were reinstated after a gap of 14(fourteen) years, linking up of service for the pensionary benefits would not be feasible and the same was not directed by this Court in the earlier order.

[7] Mr. Shyam Sharma, learned G.A also draws the attention of this Court to the letter dated 07.11.2023 issued by the Deputy Secretary (FD/PIC), Government of Manipur regarding the decision of the State Cabinet for reconsideration of the scheme of linking up of passed contractual/adhoc service for the purpose of pensionary benefits.

[8] This Court has considered the submission made at the bar and materials on record.

[9] On perusal of the direction made by this Court in the order dated 18.04.2018 in WP(C)No. 186 of 2008, it is clear that after setting aside the impugned order cancelling the earlier appointment, the respondents were directed to reinstate the petitioners to their earlier posts without back wages.

[10] It is also submitted that in view of the subsequent development, it would not be proper to pass any order for linking up service during the pendency of review of the earlier decision.

[11] Mr. C.H Momon, learned counsel for the petitioners submits that this subsequent development will not affect the earlier direction issued by this Court as the State Government have not filed any appeal or review against the direction as contained in the order dated 18.04.2018.

[12] This Court has considered materials on record including the subsequent development and the submission made at the bar. On perusal of the direction in the order dated 18.04.2018 passed by this Court in WP(C) No.186 of 2008, it is clear that it was a direction for reinstatement of the petitioners to their earlier post however, without any back wages.

[13] This Court is of the considered view that the reinstatement will relate the status of the petitioners to their original services except for the provision of the back wages as specifically directed by this Court. However, the impugned order dated 20.03.2021 issued by the Director, RD & PR reinstating the service of the petitioner in compliance of the order dated 18.04.18 mentioned with "immediate effect" thereby implying the denying past service of the petitioner for consideration for benefits including the pensionary benefits.

[14] This Court is also of the view that the order dated 20.03.2021 is not in strict compliance of a direction passed by this Court in WP(C)186 of 2008 dated 18.04.2018.

[15] During the course of hearing Mr. C.H Momon, learned counsel for the petitioner also fairly submits that the petitioners are not claiming for back

wages as the same was not granted by this Court in the earlier order and the petitioners have not filed any appeal or review against the same.

[16] In order to do complete justice, this Court directed that the word “immediately effect” be deleted from the impugned order dated 20.03.2021 thereby implying that the petitioner will have service benefits from the date of earlier appointment.

[17] With this observations and directions, the present writ petition is disposed of.

JUDGE

John Kom