

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

**WP(C) No. 539 of 2023 with
MC(WP(C) No. 254 of 2022 with
MC(WP(C) No. 255 of 2022 with
MC(WP(C) No. 256 of 2022 with
MC(WP(C) No. 85 of 2023 with
MC(WP(C) No. 86 of 2023 with
MC(WP(C) No. 87 of 2023 with
WP(C) No. 478 of 2022 with
WP(C) No. 479 of 2022 with
WP(C) No. 480 of 2022**

Laishram Nirmal Singh

.....*Petitioner/s*

- Versus -

State of Manipur & 3 Ors.

.... *Respondent/s*

BEFORE
HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA

Order

08.05.2024

[1] Present Mr. Kh. Tarunkumar, learned senior counsel assisted by Ms. Eurika, learned counsel for the petitioner, Mr. Shyam Sharma, learned G.A. for the State respondent and Mr. M. Rendy, learned counsel for the applicants in MC(WP(C) Nos. 254 of 2022, 255 of 2022 & 256 of 2022.

[2] The petitioners, who are Home Guard Personnel, were discharged from service without holding any enquiry and this Court has stayed the termination order. The 5 (five) applicants, who are also

Home Guard Personnel, filed 3 (three) misc. applications being MC(WP(C) Nos. 254 of 2022, 255 of 2022 & 256 of 2022 for impleadment in the pending writ petitions on the ground that the petitioners in WP(C) Nos. 478 of 2022, 479 of 2022 and 480 of 2022 have misappropriated fund by forgery and the applicants wants to be impleaded as respondents in the pending writ petitions to bring out all the illegalities committed by the petitioners.

[3] The petitioners have filed separate reply to the application for impleadment on the ground that the applicants have no locus in the writ petitions filed by the petitioners for setting aside of their discharge order.

[4] Mr. Shyam Sharma, learned G.A., submits that the State respondent has not file any reply to the application for impleadment and submits that this Court may pass appropriate order in the facts and circumstances of the case.

[5] Mr. M. Rendy, learned counsel for the applicants, relies on the decision of the Hon'ble Supreme court reported as **(2005) 6 SCC 733** para 7 that the applicants are necessary party.

[6] This Court has considered the submissions made at the bar and perused the materials on record.

[7] This Court is of the opinion that the applicants are neither necessary party nor proper party in the pending writ petitions and as such, they have no locus to be impleaded as respondents in the writ petitions.

[8] Accordingly, misc. applications are dismissed being devoid of merit.

[9] Mr. Kh. Tarunkumar, learned senior counsel, submits that the discharge of the petitioners from service vide order dated 30.06.2022 is in violation of the provisions of Section 11(4) of the Manipur Home Guards Act, 1989 read with Rule 7 of the Manipur Home Guards Rules, 1996 as the discharged of the petitioners' service was without conducting any enquiry.

[10] Mr. Shyam Sharma, learned G.A., has referred to the averment made in para 9 of the application i.e. being MC(WP(C) No. 85 of 2023 wherein it is stated that the service of the petitioners were discharged after holding an enquiry. However, in the counter affidavit, no proceedings of the enquiry and no memorandum of charge are produced. Learned G.A. prays for one week's time for producing the relevant record of the purported enquiry.

[11] List these cases on 17.05.2024 as part heard for further hearing and production of records of the enquiry, if any.

JUDGE

Kh. Joshua Maring

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