

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

**MC(WP(C) No. 528 of 2024 with
WP(C) No. 758 of 2023**

Manipur Home Guards Employees Association
.....Petitioner/s

- Versus -

State of Manipur & 3 Ors.
.... Respondent/s

BEFORE
HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA

Order

24.09.2024

[1] Heard Mr. M. Rendy, learned counsel for the petitioner and Mr. Shyam Sharma, learned G.A. for the State respondent.

[2] The petitioner approached this Court for directing the respondents to finalize framing of guidelines for promotion of all rank of the Home Guard Volunteers in terms of the applicable rules.

[3] The prayer is reproduced as:

(iii) *To issue a writ in the nature of mandamus/certiorari or any other appropriate writ/order/direction to finalize for framing the guideline for promotion of all rank of the Home Guard Volunteers vide order No. 1/13/2022(Pt)-DCG(HG)/Imphal, the 3rd October, 2023 (At Annexure-A/18) issued by the Director General of Police, Manipur, Imphal, orders bearing No. 1/13(44)/2023(PT)-DCG(HG) Imphal, the 13th*

October, 2023 (At Annexure-A/19) issued by the Additional Director General of Police (HG), Manipur, Imphal pursuant to the 4 (four) committees to prepare draft guidelines for promotion of all ranks of Home Guard Volunteers vide orders bearing No. 1/13/201-DCG(HG) Imphal the 6th December, 2016 (At Annexure-A/1) issued by the Commandant General Home Guards, Manipur, IMphal, Orders bearing No. 1/13/2022(Pt)-DCG(HG)/Imphal, the 3rd October, 2023 (At Annexure-A/18) issued by the Director General of Police, Manipur, Imphal and orders bearing No. 1/13(44)/2023(PT)-DCG(HG) Imphal, the 13th October, 2023 (At Annexure-A/19) issued by the Additional Director General of Police (HG), Manipur, Imphal within a stipulated period of time without any undue delay in the interest of justice.”

[4] By the order dated 03.10.2023 issued by the Director General of Police, Manipur, a committee consisting of 4 (four) persons was constituted to frame guidelines/rules for promotion of all ranks and to abolish the unpaid rank structure of Manipur Home Guard Volunteers.

[5] Earlier the petitioner approached this Court by way of writ petition being WP(C) No. 463 of 2023 and vide order dated 23.06.2023 passed by this Court, a direction was issued to dispose of the representation dated 22.05.2023 submitted by the petitioner for framing guidelines for promotion. In pursuance to the direction of this Court, the Additional DGP(HG), Manipur passed a speaking order dated

13.10.2023 stating that due to the non-availability of the Chairman of the Committee constituted vide order dated 03.10.2023, the recommendation for guideline cannot be considered.

[6] In the counter affidavit filed by the State respondent, it is especially mentioned in para 8 that framing of Recruitment Rules/Guidelines for promotional avenue is the domain of Government. Para 8 of the counter affidavit of the State respondent is reproduced as:

“8. That, with reference to para Nos. 18 to 31 of the writ petition, the answering deponent submits that framing of Recruitment Rules/Guidelines for availing promotional avenues is within the domain of Government. As such instant petition is not maintainable.”

[7] Mr. M. Rendy, learned counsel for the petitioner, submits that in terms of the statement made in the order dated 13.10.2023 and in para 8 of the counter affidavit of the State respondent, a direction may be issued to the respondents to expedite and complete framing of the guidelines within a stipulated period of time.

[8] On 19.09.2024 when the matter was listed, Mr. Shyam Sharma, learned G.A, took some time for taking instruction. Today, Mr. Shyam Sharma, learned G.A., submits that he has no instruction as prayed for in the earlier order dated 19.09.2024. However, this Court may pass appropriate order in terms of the contention made in para 6 of the counter affidavit filed by the State respondent.

[9] Learned G.A. draws the attention of this Court to para 6 of the counter affidavit stating that the Home Guards are purely

volunteers for a tenure of 3 (three) years and hence, there is no scope for any seniority in terms of instruction and the Manipur Home Guard Acts and Rules.

[10] Mr. M. Rendy, learned counsel for the petitioner, submits that the contention of para 6 & 8 are contradictory and the same cannot be taken into consideration.

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

[12] It is submitted that the contents of para 6 is with respect to seniority and the contents of para 8 is with respect to promotional avenue and they operate in different subject. It is admitted position of the State respondent that consideration for framing of guidelines is the domain of the State Government and the same cannot be completed due to non-availability of the Chairman of the Committee.

[13] In the circumstances, the State Government is directed to constitute a fresh committee and complete the framing of Recruitment Rules/Guidelines for promotional avenue of the Home Guard of all ranks in terms of the applicable rules. It is further directed that a fresh committee be constituted within a period of 2 (two) months and the process for framing of guidelines for promotion avenue as per rule shall be completed within a further period of 6 (six) months from the date of formation of such committee.

[14] It is clarified that this Court does not express any opinion on the merit of the case.

[15] In terms of the above observations and directions, writ petition is disposed of. Accordingly, misc. application is also disposed of.

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

JUDGE

Kh. Joshua Maring

**KH. JOSHUA
MARING** Digitally signed by
KH. JOSHUA MARING
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