

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

**WP(C) No. 652 of 2022**

Longjam Rojendro Singh

.....*Petitioner/s*

- Versus -

State of Manipur & 2 Ors.

.... *Respondent/s*

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

**Order**

**13.12.2024**

[1] Heard Mr. K. Roshan, learned counsel along with Mr. M. Jonty Roscoe, learned counsel for the petitioner and Mr. Shyam Sharma, learned G.A. for the State respondent.

[2] The petitioner is challenging the impugned transfer order dated 05.08.2022 whereby he has been transferred from being Executive Engineer (RD & PR), Government of Manipur from Imphal East to Jiribam mainly on the ground that he has been subjected to frequent transfer in violation of the notification dated 12.05.2022 issued by the Department of Personnel, Government of Manipur laying down transfer policy of the employees of the state.

[3] It is stated that vide order dated 08.03.2021, the petitioner was transferred from Bishnupur to Imphal West and vide another order dated 29.06.2021, he was transferred from Imphal West

to Bishnupur. All these transfers are effected within a minimum period of one and half year as prescribed by the notification dated 12.05.2022.

[4] Mr. K. Roshan, learned counsel for the petitioner, draws the attention of this Court to III general conditions (i), (ii) & (vii) where the minimum tenure for posting is one and half year and maximum posting at a place is 3 years and no transfer be effected in violation of this tenure except under compelling reasons and prior to two years from the date of retirement and employee may be given posting in the home district. III general conditions (i), (ii) & (vii) are reproduced as:

*“III.(i) Normal tenure of posting of an officer/employee in a post will be a minimum of one year and 6 (six) months and maximum of 3 (three) years in a place of posting.*

*(ii) No transfer may be effected unless the concerned employee has been completed 1 (one) year and 6 (six) months in a post, unless there are compelling reasons/circumstances to do so.*

*(vii) As far as possible, officials may be posted at their Home District, if the official so chooses, 2 (two) years before their retirement so as to facilitate ease in processing pension matters.”*

[5] It is submitted that the petitioner is retiring within a period of two years and prayed that the impugned transfer order dated 05.08.2022 may be set aside, as the same is in violation of the notification dated 12.05.2022.

[6] Mr. Shyam Sharma, learned G.A. for the State respondent, submits that as the petitioner has not questioned the earlier transfer orders in violation of the transfer policy, he is estopped

from challenging the impugned order dated 05.08.2022 and the matter has become infructuous with the efflux of time, as the petitioner is in Imphal East since 20.07.2022 and he is liable to be transferred to any other district/place.

[7] Mr. K. Roshan, learned counsel for the petitioner, draws the attention of this Court to the contents of para 5 & 6 of the order dated 23.10.2024 passed by this Court wherein it was recorded that the petitioner may be considered for posting in the home district in terms of III(vii) of the transfer policy dated 12.05.2022.

[8] This Court has considered the materials on record and especially, the transfer policy dated 12.05.2022.

[9] On perusal of the various transfer orders dated 08.03.2021, 21.06.2021, 20.07.2022 and 05.08.2022, the same have been issued before the completion of the minimum period of one year and six months and no reason is given for the compelling reason to do the same in terms of III(ii). Neither the approval of the Chief Minister in terms of (V) of the policy was not obtained for effecting the transfer in violation of the conditions in the transfer policy.

[10] In the circumstances, the impugned order dated 05.08.2022 is set aside as the same is in violation of the transfer policy dated 12.05.2022. However, since the petitioner is in Imphal East District with effect from 20.07.2022, he has completed the period of two and half years in the same district.

[11] Mr. Shyam Sharma, learned G.A., submits that State respondent may be given liberty to exercise the power under the

transfer policy dated 12.05.2022, if there is requirement to exercise such power.

[12] It is clarified that the State Government has liberty to exercise the power in terms of the transfer policy dated 12.05.2022 and para 5 of the order dated 23.10.2024.

[13] With this observation, writ petition is allowed. No cost.

KH. JOSHUA  
MARING

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KH. JOSHUA MARING  
Date: 2024.12.16  
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**JUDGE**

*Kh. Joshua Maring*