

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

WP(C) No. 674 of 2023

Shri Oinam Oken Singh, Special Contractor, aged about 59 years, S/o O. Munal Singh of Haorok Chambi Lampak, Kwakeithel Soibam Leikai, P.O. & P.S. Imphal, Imphal West District, Manipur – 795001.

...Petitioner

- Versus -

1. The State of Manipur, represented by the Secretary (Skills, Labour, Employment & Entrepreneurship), Government of Manipur, Secretariat, Babupara, P.O. & P.S. Imphal, Imphal West District, Manipur – 795001.
2. The Labour Commissioner, Government of Manipur, Lamphelpat, P.O. & P.S. Lamphel, Imphal West District, Manipur – 795004.
3. The Deputy Labour Commissioner, Government of Manipur, Lamphelpat, P.O. & P.S. Lamphel, Imphal West District, Manipur – 795004.

...Official Respondents

4. Shri Md. Somed Ali, aged about 49 years, S/o Isker Ali of Sonapur Part-2, P.O. & P.S. Jiribam, Jiribam District, Manipur.
5. Shri Elangbam Diptenkumar, Sub-Contractor, aged about 59 years, S/o E. Dinabandhu of Babupara, P.O. & P.S. Jiribam, Jiribam District, Manipur.

...Private Respondents

6. The Manipur Industrial Development Corporation Limited (MANIDCO), Takyel Industrial Estate, Takyelpat, Imphal – 795001, Manipur, represented by its Managing Director.

...Pro-forma Respondent

With

MC(WP(C)) No. 272 of 2023

Shri Oinam Oken Singh, Special Contractor, aged about 59 years, S/o O. Munal Singh of Haorok Chambi Lampak, Kwakeithel Soibam Leikai, P.O. & P.S. Imphal, Imphal West District, Manipur – 795001.

***...Applicant
(Petitioner in Writ Petition)***

- Versus -

1. The State of Manipur, represented by the Secretary (Skills, Labour, Employment & Entrepreneurship), Government of Manipur, Secretariat, Babupara, P.O. & P.S. Imphal, Imphal West District, Manipur – 795001.
2. The Labour Commissioner, Government of Manipur, Lamphelpat, P.O. & P.S. Lamphel, Imphal West District, Manipur – 795004.
3. The Deputy Labour Commissioner, Government of Manipur, Lamphelpat, P.O. & P.S. Lamphel, Imphal West District, Manipur – 795004.

***...Official Respondents
(Official Respondents in W.P.)***

4. Shri Md. Somed Ali, aged about 49 years, S/o Isker Ali of Sonapur Part-2, P.O. & P.S. Jiribam, Jiribam District, Manipur.
5. Shri Elangbam Diptenkumar, Sub-Contractor, aged about 59 years, S/o E. Dinabandhu of Babupara, P.O. & P.S. Jiribam, Jiribam District, Manipur.

***...Private Respondents
(Private Respondents in W.P.)***

6. The Manipur Industrial Development Corporation Limited (MANIDCO), Takyel Industrial Estate, Takyelpat, Imphal – 795001, Manipur, represented by its Managing Director.

***...Pro-forma Respondent
(Pro-forma Respondents in W.P.)***

B E F O R E

HON'BLE THE CHIEF JUSTICE MR. SIDDHARTH MRIDUL

ORDER

08-08-2024

[1] Mr. A. Golly, learned counsel, appears for the petitioner; Mr. Athouba Khaidem, learned Government Advocate, appears for respondent Nos. 1, 2 & 3; and Mr. S. Kaminikumar, learned counsel, appears for respondent

No. 6.

[2] The present writ petition has been instituted on behalf of Shri Oinam Oken Singh, a Special Contractor working with the State of Manipur,

seeking a writ of certiorari thereby quashing and setting aside the ex-parte impugned interim order dated 10-08-2023 passed by the Office of the Labour Commissioner, Manipur, Lamphelpat in Non-payment Case No. 64 of 2023; substantially and essentially on the ground that, the complaint case in which the said impugned interim order has been passed, has been instituted by Md. Somed Ali through Shri Elangbam Diptenkumar, a Sub-Contractor, appearing respondent No. 2 in the complaint case, who is admittedly a relative of the Deputy Labour Commissioner, Manipur, conducting the subject enquiry; thereby vitiating the same as being violative of the principles of natural justice.

[3] A perusal of the counter affidavit filed by respondent No. 3 and in particular, Annexure-R/1 thereto, reflects that vide communication dated 02-12-2023, the Joint Secretary (Skills, Lab, Emp & Entr), Government of Manipur has clearly and unequivocally elaborated that Shri Elangbam Diptenkumar, Sub-contractor, in whose favour the impugned interim order has been passed, is related to Shri Peter Salam, DLC, Manipur, who has passed the impugned interim order.

[4] There is no gainsaying the established legal position that *nemo judex in causa sua*; no one can be a judge in his own cause.

[5] Consequently, the impugned interim order dated 10-08-2023 is manifestly and patently violative of the principles of natural justice and suffers inter alia from the vice of bias and favoritism.

[6] Resultantly, the impugned interim order dated 10-08-2023 is set aside and quashed. The petition is accordingly allowed.

[7] Needless to state that the compliant; out of which the impugned

interim order dated 10-08-2023 arose; may be determined by the competent authority afresh, in accordance with law, if so advised.

No further reliefs are prayed for.

The petition is accordingly allowed and disposed of.

Pending application, if any, stands disposed of.

CHIEF JUSTICE

Victoria

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