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IN THE HIGH COURT OF MANIPUR
AT IMPHAL

WP(C) No. 648 of 2024

W. Romita Devi

...*Petitioner/s*

- *Versus* -

State of Manipur & 2 Ors

...*Respondent/s*

B E F O R E
HON'BLE MRS. JUSTICE GOLMEI GAIPHULSHILLU

13.09.2024

[1] Heard Mr. S. Rupachandra, learned Sr. counsel appearing for the petitioner.

[2] Issue notice.

[3] Mr. Samarjit Hawaibam, learned GA accepts notice on behalf of respondent nos. 1, 2 & 3.

[4] The present writ petition has been filed by the petitioner praying for directing the respondents for giving promotion to the petitioner to the post of EE on look after/in-charge basis with the following prayers;

"(i) to admit the writ petition and issue a rule nisi;

(ii) to direct the respondents to give promotion to the post of Executive Engineer (EE) adhoc/in-charge basis in the vacant posts;

(iii) to direct the respondents to consider the representation dated 23.07.2024 (A/8) submitted by the petitioner within a time period with a speaking order to meet ends of justice;

(iv) to pass similar order as contained in Annexure A/9."

[5] The case of the petitioner is that she is a Diploma holder in Civil Engineering and she entered into service as Section Officer Grade-I in the Manipur State Rural Roads Development Agency (MSRRDA) on Contract basis on 08/10/2009 on recommendation of a duly constituted DPC. After 7 (Seven) years of Service on contract basis, the service of the petitioner was regularized on 16/09/2016 with a condition that seniority list will be notified on later date. The seniority list of SO Grade-I has been published/notified on 07/11/2022 wherein petitioner's name appears at Sl. No. 12. The petitioner was allowed to hold the post of Assistant Engineer (AE) on in-charge basis without extra remuneration vide order dated 25/10/2021 along with 16 (Sixteen) other incumbents. To the said in- charge arrangement, the petitioner's name appears at Sl. No. 2. The incumbents junior to the petitioner as per the said seniority list dated 07/11/2022, Le. at Sl. Nos. 15, 16, 18, 19, 21, 22, 28, 29, 36, 37, 39 & 40 have been allowed to hold the charge of EE on in-charge basis. One Radhakishnan Thangjam (Sl. No. 37), N. Amarjit Singh (SI. No. 16) and Th. Brojen Singh (SI. No. 19) have been given promotion. The petitioner has submitted a representation on 23/07/2024 to the respondents for giving her promotion. In between one incumbent namely Aribam Reena Devi who is working at the same capacity with the petitioner and just above the petitioner in seniority list instituted WP (C) No. 468 of 2024 with MC (WP (C)) No. 380 of 2024 challenging the appointment orders dated 07/07/2024 of two persons Le. at Sl. No. 7 & 8 and the same was suspended on 23/08/2024. The case of the petitioner is to consider her case to look after the charge of Executive Engineer on In-charge basis as her juniors have been given appointment or promotion. As the petitioner

in WP (C) No. 468 of 2024 with MC (WP (C)) No. 380 of 2024 is just above the petitioner, the next person is the present petitioner. Hence, the present writ petition is filed.

[6] Both the learned counsel appearing for the parties fairly submit that the present writ petition herein can be disposed of by directing the respondents to consider and dispose of the representation dated 23.07.2024 (Annexure-A/8) submitted by the petitioner to the respondent nos. 1, 2 & 3 by passing a speaking order.

Operative portion of Annexure A/8 is reproduced herein below;

"Imphal, the 23 July, 2024

To

- 1. The Spl CS (RD & PR),
Government of Manipur, Imphal*
- 2. The Chief Engineer (RED/MSRRDA),
Government of Manipur, Imphal*
- 3. The Commissioner/Secretary (DP),
Government of Manipur, Imphal*

Subject Humble representation against the giving of promotion to juniors and request for consideration of my case.

Sir

I have the honour to submit the following few lines for your kind perusal and for favour of necessary action please

1. That, I am a Diploma holder in Civil Engineering. However, I have passed Degree in Engineering by way of AMIE for which recognition of Degree by Manipur Government is under process.

2. That, I have entered into service as SO Grade-I vide an order dated 08/10/2009 in the MSRRDA on contract basis with a proper DPC. In the said order, my name appears at Sl. No. 8 in order of merit. After serving about 7 (seven) years, my contract service was regularized vide an order dated 16/09/2016 with a condition that seniority list will be notified on a later date. (Copies enclosed for kind reference)

3 That, the seniority list of SO Grade 1 has been published/notified on 07/11/2022 wherein my name appears at Sl. No. 12. My serial number is downgraded from the merit list of SO Grade1 by virtue of deputation of incumbents at the Department I was allowed to hold the post of Assistant Engineer (AL) on in-charge basis without extra remuneration vide an order dated

25/10/2021 along with 16 (Sixteen) other incumbents. To the said in-charge arrangement, my name appears at Sl. No. 2. (Copy of the order enclosed for kind reference).

4. That, the incumbents junior to me as per the said seniority list dated 07/11/2022, i.e. at Sl. Nos. 15, 16, 18, 19, 21, 22, 28, 29, 36, 37, 39 & 40 have been allowed to hold the charge of EE on in-charge basis and some of it can be seen from the orders dated 30/12/2022, 30/01/2023 & 09/07/2024. One Radhakishnan Thangjam (Sl. No. 37), N. Amarjit Singh (Sl. No. 16) and Th Brojen Singh (Sl. No. 19) have been given promotion. This has caused burning heart and junior jumping the seniors (Copies of orders are enclosed for kind reference)

5. That, I am entitled to hold the charge of EE on in-charge basis from the day when my juniors was allowed to hold the charge of EE on look after/ in charge basis. The discrimination so caused has meted out non charming of service while junior command the seniors.

In the premises stated above, your goodselfs are humbly requested kindly to allow me to hold the charge of EE on look after/in-charge basis from the date of my juniors are/were allowed in public interest.

*With due regards
Enci, As above*

*Yours sincerely.
Sd/-
(W. Romita Devi)
AE-i/C
Chandel, PIU-III"*

[7] In the facts and circumstances, the present writ petition is disposed of with direction to the respondent nos. 1, 2 & 3 to consider and to dispose of the representation dated 23.07.2024 (Annexure-A/8) by passing speaking order within 2(two) months from the date of receipt of a copy of this order.

[8] According, the present writ petition stands disposed of.

[9] Copy of this order be furnished to the learned counsel appearing for the parties.

JUDGE

Lucy
