

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

**WP(C)No.1072 of 2016**

Shri Manikant Potsangbam, aged about 30 years, s/o Dr.P. Shyamsunder Singh, resident of Naoremthong Leikai, PO Imphal, PS Lamphel, Imphal West District, Manipur & 72 ors.

***...Petitioners***

**- Versus-**

The State of Manipur through its Commissioner/Secretary(Power) Govt. of Manipur, its office at Secretariat Complex, Babupara, Imphal West District & 7 Ors.

***...Respondents***

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

**19.09.2024.**

[1] Heard Mr. K. Roshan, learned counsel appearing on behalf of the petitioners, Mr I. Lalitkumar, learned senior counsel on behalf of respondent No.2, Mrs. Ch. Sundari, learned GA on behalf of respondent No.1, Mr. A. Golly, learned counsel on behalf of respondent Nos. 3 to 6 and none appeared on behalf of respondent Nos. 7 to 8 in spite of service of notice.

[2] The petitioners are Section Officer(SO) Grade-I in Manipur State Power Distribution Company Limited(MSPDCL) and approached this Court challenging the order dated 23.11.2016 issued by Power Department, Government of Manipur absorbing 82(Eighty two) contract employees of

MSPDCL and Manipur State Power Company Limited (MSPCL) against the regular post in the respective company.

[3] The prayer of the writ petition is reproduced as follows:

*(i) Admit the writ petition and Issue Rule nisi calling upon the respondents to show cause as to why a writ/order/direction in the nature of Ceriorari or any other appropriate writ/order/directive(s) should not be issued for quashing and setting aside impugned order Convey approval dated the 23.11.2016(at Annexure-A/11) and its consequential order for regularization in respect to private respondents, in the facts and circumstances of the present situation.*

*(ii) Make the rule absolute and call for the records;*

*(iii) to pass any appropriate order or directive(s) which may be appropriate to be passed under such facts and circumstances of the instant case;*

[4] The State respondents in the counter affidavit stated that the absorption was done in terms of the rules framed by the State respondents and in pursuance of the resolution of the Board of Directors.

[5] The private respondent Nos. 3 to 6 also filed a detailed counter affidavit in and in para 11, it is clarified that after the constitution of MSPDCL and MSPCL, there are separate cadre and seniority lists for these two companies and the Electrical wings and Project wings have also separate seniority lists.

[6] Mr. A. Golly, learned counsel appearing on behalf of respondent Nos. 3 to 6 submitted that private respondents belong to the Project wings whereas the petitioners are in Electrical wings and as such, their seniority positions are separate and absorption and promotion of the

private respondents will not hamper the promotional avenues of the petitioners. It is also pointed out that out of 73(seventy three), 32(thirty two) number of petitioners have been promoted to the next higher posts and 41(forty one) petitioners will get their opportunities to consider for promotion as per eligibility criteria and as per seniority list and the promotion or absorption of private respondent Nos. 3 to 6 will not affect the promotional avenues of the petitioners who are in the Electrical wings.

[7] It is submitted that writ petition may be closed as no right of the petitioners has been affected by the impugned order of absorption.

[8] This Court has considered the materials available on record and on the basis of para 11 of the counter affidavit filed by respondent Nos. 3 to 6, the writ petition can be closed as the right of the petitioners for promotion will not be affected by the absorption of the private respondents by the impugned order dated 23.11.2016. The authority may consider the case of the remaining petitioners who are yet to be promoted as per rules in terms of their seniority position when vacancy arises.

[9] With the above observations, writ petition is closed. Any miscellaneous applications are closed and interim order, if any, stands vacated.

**JUDGE**

*John Kom*