

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

WP(C) No. 1108 of 2022

Wangkhem Sudhirkumar Singh

.....Petitioner/s

- Versus -

State of Manipur & 3 Ors.

.... Respondent/s

BEFORE
HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA

Order (Oral)

03.09.2024

[1] Present Mr. NG. Jotindra, learned counsel for the petitioner and Mr. Th. Sukumar, learned G.A. for the State respondent.

[2] The petitioner who was earlier appointed as Engineer in MANITRON (known as Public Sector Industrial Undertaking) vide order dated 01.09.1990 and later on, he was appointed as Lecturer in Government Polytechnic, Manipur on deputation vide order dated 15.06.2002 for a period of 2 (two) years. Vide order dated 14.09.2004, the service of the petitioner was absorbed as Lecturer in Government Polytechnic, Government of Manipur.

[3] Later on, the petitioner submitted a representation dated 14.12.2020 to the Commissioner (Hr. & Tech. Education), Government of Manipur for placing him in the Lecturer (Senior/Selection Grade) in the scale of Rs. 8000/- - Rs. 13500/-. By the impugned letter dated 03.06.2022, the Deputy Secretary (Hr. & Tech. Education),

Government of Manipur rejected the representation submitted by the petitioner on the ground that the service rendered by the petitioner as Engineer in MANITRON could not be considered for career advancement against the post of Lecturer in Government Polytechnic, Manipur as the earlier service was not in the nature of teaching. The relevant portion of the impugned letter dated 03.06.2022 is reproduced as:

“The proposal for counting past service rendered as Engineer in MANITRON for the purpose of counting qualifying service for career advancement (placement in Senior Scale/Selection Grade) is unlogical/unreasonable on the ground that he was not holding as lecturer in the MANITRON, during that period, which is a Public Sector Undertaking.”

[4] Mr. NG. Jotindra, learned counsel for the petitioner, draws the attention of this Court to the guideline for condition for grant of revised pay scale issued to the other teachers and other employees. In para 7(ii) prescribed counting of qualification of service for career advancement which is reproduced as:

“7.(ii) Previous continuous services, as a Lecturer or equivalent in college, national laboratory other scientific organizations such as CSIR, ICAR, DRDO, etc., or in any Public Sector Industrial Undertaking, any be counter for placement of Lecturers in Senior Scale/Selection Grade provided that.

(a) The posts were in an equivalent grade/scale of pay as the post of a Lecturer;

- (b) The qualifications for the posts were not lower than the qualified prescribed by AICTE for the post of Lecturer;*
- (c) The post were filled in accordance with the prescribed selection procedures as laid down by the Board of Governors/Institution regulations/Directorate of Technical Education/State Government/Central Government;*
- (d) Ad-hoc service/service in contract appointment/leave vacancy was of continuous duration of not less than one year and further provided that;*
 - (i) The incumbent was appointed on the recommendation of a duly constituted Selection Committee; and*
 - (ii) The incumbent was selected to the regular post in continuation of the ad-hoc/contract/temporary appointment.*
- (e) The concerned Lecturer has possessed all the minimum qualification prescribed by AICTE for appoint as Lecturers.”*

[5] Mr. NG. Jotindra, learned counsel for the petitioner, submits that the pay scale of Engineer in MANITRON as well as Lecturer in Government Polytechnic are equivalent i.e. Rs. 2000/- - Rs. 3500/- (Rs. 2000 – Rs. 4000 revised.) It is submitted that the petitioner has satisfied all the conditions laid down in sub-para (ii) of counting service outside the institute and it is prayed that the pay scale of the petitioner should be placed in the scale of Senior Scale w.e.f. 01.07.2001 in place of 01.07.2008 and in the scale of Selection Grade

w.e.f. 01.07.2001 in place of 01.07.2013 and in level 14 w.e.f.01.07.2004 in place of 01.07.2016.

[6] Mr. Th. Sukumar, learned G.A. for the State respondent, draws the attention of this Court to para 7(ii) counting of service outside the institute. Learned G.A. has pointed out that the previous service in other institute should be in the nature of Lecturer or equivalent and not in other capacity. Admittedly, in the present case, the petitioner was appointed as Engineer in MANITRON which is of non-teaching category and the same is not equivalent with the nature duty assigned to a Lecturer in the Government Polytechnic, Manipur and hence, his case is not covered by para 7(ii) of the guideline for career advancement. It is stated that the writ petition may be dismissed.

[7] This Court has perused the materials on record and submissions made at bar.

[8] On perusal of the contents of para 7(ii): counting of service outside the institute, the main para mandates that the counting of service outside the institute should be in the nature of Lecturer or its equivalent.

[9] As per Mr. NG. Jotindra, learned counsel for the petitioner, the term equivalent means in any other post which has similar pay scale and it is not mandatory that the earlier service should be strictly in the nature of a Lecturer. Learned counsel for the petitioner refers to the order dated 20.05.2010 issued by the Department of Hr. & Tech. Education, Government of Manipur absorbing the service of the petitioner as Lecturer in Government Polytechnic, Manipur and giving

service link-up i.e. past service in MANITRON from 01.09.1990 and as such, the petitioner's claim for upgradation to the Selection Grade and Higher Scale on the basis of this order is justified.

[10] This Court does not find any merit in the submissions of Mr. NG. Jotindra, learned counsel for the petitioner to the effect that the equivalent as mentioned in para 7(ii) of the guideline does not mean that the earlier service should not be strictly as a Lecturer or any teaching profession. The effect of the order dated 20.05.2010 issued by the Department of Hr. & Tech. Education, Manipur is only for pensionary benefit and the same will not confer any right to the petitioner for claiming Selection Grade and Higher post in light of the guideline referring to para 7(ii). Further upgradation to Senior Scale and Selection post have to be considered strictly in terms of the guideline. Since the earlier post of an Engineer in MANITRON is not equivalent to a Lecturer in Government Polytechnic, Manipur, the prayer for upgradation of pay scale from 01.09.1990 cannot be granted.

[11] Accordingly, writ petition is dismissed. No cost.

JUDGE

Kh. Joshua Maring

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