

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

W.P. (C) No. 235 of 2023

PHED Work Charged Workers' Organisation, Ukhrul

Petitioner

Vs.

State of Manipur; & Ors.

Respondents

BEFORE
HON'BLE THE CHIEF JUSTICE MR. D. KRISHNAKUMAR

ORDER

06.02.2025

Mr. Lungmi Ragui, learned counsel, appears for the petitioner Organisation and Mr. S. Nepolean, learned senior counsel, appears for the State respondents.

The present writ petition has been filed by the petitioner, PHED Work Charged Workers' Organisation, Ukhrul, praying as follows:

"In the above premises, it is most respectfully prayed that your Lordship may graciously be pleased to:

- 1. admit this Writ petition and issue rule nisi to the respondents.*
- 2. issue a writ, order or direction in the nature of Mandamus and/or any other writ as may deem fit and appropriate in the facts and circumstances of the case for confirmation of the services of the petitioners and bring them under regular establishment of PHED, Govt. of Manipur.*
- 3. issue a writ, order or direction in the nature of Mandamus commanding and directing the respondent authorities to pay arrears of salary, retiral benefits, gratuity and other pensionary benefits to the petitioners from the date of their superannuation.*
- 4. quash and set aside the impugned order of rejection dated 17-03-2018.*
- 5. extent the provisions of the (Second Amendment) Rules, 2020 to the Terminal Benefits for Work Charged Staff of PWD/IFCD/PHED/MI and Electricity Rules, 1978 in favour of the petitioners for the ends of justice."*
- 6. pass any further order as the Hon'ble Court may deem just and proper in the circumstances of the case."*

The petitioner organization has filed the present writ petition by making averment that the members of the organization are temporary work charged employees of the PHED, Ukhrul District, Manipur, and seeks for confirmation of their services. Registration Certificate of the Petitioner organization and its list of members is annexed as Annexure-A/1 in the writ

petition. Learned counsel for the petitioner, states that the members of the organization have attained the age of superannuation

Further, it is brought to the notice of this Court that earlier the petitioners have filed W.P. (C) No. 81 of 2018 before this Court for regularization of their service, which was disposed of with a direction to the respondents to consider the case of the petitioners by disposing of the representation submitted by the petitioners with a speaking order. However, pursuant to the order passed by this Court, the respondent authorities rejected their representation vide order dated 17.03.2018 stating that the Govt. Policy for regularization/conversion of the work charged employees as notified by Department of Personnel & Adv. Reform, Govt. of Manipur, vide Notification No. 23/54/89-DP(Pt) dt. 16-04.1997 was a one-time measure and same was already withdrawn by order dated 23/54/89-DP(Pt) dt. 26-02-2002.

The Government of Manipur issued notification dated 04.01.2021 and the same was published in the Gazette on 07.01.2021 making amendment to the Terminal Benefits for Work-charged staff of PWD/IFCD/PHED/MI and Electricity Rules, 1978 and said Rule is called Terminal Benefits for Work-charged Staff of PWD/IFCD/PHED/MI and Electricity (Second Amendment) Rules, 2020. The members of the petitioner organization have not made representation to extend the benefits under the amended Rules, 2020. Therefore, the members of the petitioner organization have to make such request to the authority to consider their grievance.

Therefore, in the light of the aforesaid amended Rules, members of the petitioners organization (work charged employees) are permitted to make individual representation to the Chief Engineer, PHED Govt. of Manipur, along

with their service particulars, within a period of 12 weeks from the date of receipt of this order. On receipt of such representation, the authority shall consider and pass appropriate order on merits, at an earliest.

With the above observation, the present writ petition stands disposed of.

Sandeep

CHIEF JUSTICE