

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

WP(C) No. 336 of 2019

Lourembam Iboyaima Singh & 4 Ors.

...Petitioners

- Versus -

State of Manipur & 2 Ors.

...Respondents

**B E F O R E
HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA
ORDER**

06-11-2025

[1] Heard Mr. A. Romenkumar, learned senior counsel assisted by Mr. R.K. Banna, learned counsel appearing on behalf of the petitioners; Mr. Y. Ashang, learned Government Advocate assisted by Mrs. R.K. Emily, learned Dy. Government Advocate for the State respondent No. 1; and Dr. R.K. Deepak, learned senior counsel assisted by Mrs. I. Bimola, learned counsel appearing on behalf of the Manipur Technical University.

[2] Mr. A. Romenkumar, learned senior counsel for the 5 writ petitioners, submits that the petitioners were earlier appointed on contract basis as Assistant Professors in Manipur Technical University (MTU) on consolidated pay and their contractual appointments have been extended from time to time. It is submitted that the petitioners are the backbone for newly established MTU and some of them have been conferred the position of Head of Department. The MTU issued a notification dated 23-05-2018 for recruitment of 31 posts of Assistant Professor and Assistant Librarian and being aggrieved by the same, the 5 writ petitioners challenged the said

notification with respect to concerning their subjects by way of WP(C) No. 519 of 2018 and vide order dated 20-09-2018, the learned Single Judge quashed the notification dated 23-05-2018 with respect to the petitioners and directed the University to provide regular appointments to the petitioners from the date of their initial appointment. Thereafter, the State Cabinet in its meeting held on 11-02-2020 approved to regularize the service of these 5 writ petitioners as Assistant Professors engaged on contract basis from the date of their initial appointments along with 11 Assistant Professors with immediate effect. In pursuance of the Cabinet decision dated 11-02-2020, the MTU issued an order dated 17-08-2020 regularizing the service of the 5 writ petitioners as Assistant Professors in the subjects appointed against them from the date of their initial appointment on contract. Thereafter, the petitioner filed the present writ petition, *inter alia*, to remove the artificial breakage in their contractual period and denial of the salary on Saturday, Sunday and other holidays and with a prayer to provide regular employment from the date of initial appointments with arrears. The prayers are reproduced as under:—

“The Petitioners humbly and solemnly pray that Your Lordships may graciously be pleased.

- (a) to issue a rule nisi to the Respondents in thus behalf and to call for and examine relevant records, if any;*
- (b) to make the rule absolute when the Respondents failed to show cause or sufficient cause in this regard;*
- (c) to issue writ of certiorari to quash the portion of the orders of creating artificial days of break in the extension of continuous service as mentioned in the column “REMARK” only of the orders dated (i) 10.8.2018, (ii) 12.2.2019, (iii) 1.8.2018, (iv) 2.2.2019, (v) 18.7.2018*

and (vi) 22.1.2019 (Annexure A/11(Colly) and to issue a writ in the nature of mandamus not to reduce their salary and provide regular appointment to the petitioners from the date of their initial contract appointment with regular arrear of pay as laid down by this Hon'ble High Court which is covered by the decision of the Apex Court.

- (d) Unless the interim prayer as mentioned above is granted, the petitioner will suffer an irreparable loss and injury and there will be perpetual deduction of salary for every Sunday, every Second Saturday, General Holidays and vacation holidays which is not only violative of Articles 14 and 21 of the Constitution of India but also is oppressive, suppressive and coercive, as it compels involuntary subjugation.*
- (e) To pass an interim stay order of the operation of the portion of the orders creating only artificial break in the extension of continuous service as mentioned in the column "REMARK" only of the orders dated (i) 10.8.2018, (ii) 12.2.2019, (iii) 1.8.2018, (iv) 2.2.2019, (v) 18.7.2018 and (vi) 22.1.2019 and allow the petitioners to draw their salary without reduction for holydays, Sunday, Vacations etc. as the balance of convenience is always in favour of Petitioners.*
- (f) To grant such other reliefs, interim as well as final as to this Hon'ble High Court seemed just, expedient and equitable in the form any other writ etc.*
- (g) To award the costs of this Writ Petition in case the Respondents contest the same in a vexations and frivolous manner in the interest justice and equity. And the Petitioners, as in duty bound shall every pray."*

[3] In the counter affidavit filed by respondent Nos. 2 & 3, a letter dated 27-06-2020 issued by the Joint Secretary (Higher & Tech. Edn.), Government of Manipur to the Registrar, MTU about the Cabinet decision taken on 11-02-2020 for regularization of the 5 writ petitioners w.e.f. the date of their joining is enclosed. However, in para 3 of the letter, it is said that

petitioners will get notional salary from the date of initial appointment and cash payment from the issue of regularization order dated 17-08-2020 thereby the petitioners have been denied back wages from the period of initial appointments to the date of regularization. The content of para 3 of the letter dated 27-06-2020 issued by the Joint Secretary (Higher & Tech. Edn.), Government of Manipur has been challenged by the petitioners in the rejoinder affidavit dated 04-04-2025 stating that the petitioners are entitled for back wages and it is prayed that the impugned letter dated 27-06-2020 with respect to para 3 be set aside.

[4] Mr. Y. Ashang, learned Government Advocate and Dr. R.K. Deepak, learned senior counsel for the MTU, have raised the question of maintainability of the writ petition challenging the subsequent order denying back wages to the petitioners. It is pointed out that the writ petition was filed on 17-04-2019 with the above quoted prayers and the order impugned in the rejoinder affidavit filed by the petitioners is letter dated 27-06-2020. It has been submitted that the substantive subsequent impugned order cannot be challenged by way of an application or a rejoinder affidavit. It is urged that the main prayer in the writ petition has been complied by the appointment of the writ petitioners on regular basis from the date of joining of service on contract.

[5] However, Mr. A. Romenkumar, learned senior counsel for the petitioners, submits that the subsequent impugned order dated 27-06-2020 is in continuation of the earlier Cabinet decision and the same can be considered in this writ petition.

[6] This Court has perused the material on record. The substantive

prayer in the writ petition has been complied by issuing of the regularization order dated 17-08-2020. In the regularization order dated 17-08-2020, nothing is mentioned about the arrears. However, by the letter dated 27-06-2020 issued by the Joint Secretary (Higher & Tech. Edn.), Government of Manipur to MTU, the petitioners have been denied the benefits of back wages from the date of initial appointment to the date of regularization.

[7] Mr. A. Romenkumar, learned senior counsel for the petitioners, submits that as acknowledged by the learned Single Judge in the order dated 20-09-2018 in WP(C) No. 519 of 2018, the performance of the petitioners is beyond satisfactory and as such denial of back wages is not warranted.

[8] However, this Court is of the opinion that the learned Single Judge had directed the University to regularize the service of the writ petitioners from the date of initial appointment and there is no direction on the payment of back wages. Taking advantage on this, the State authority and the University have issued an order of regularization from the date of initial appointment as contractual basis, however, without entitled back wages. This Court is of the opinion that the petitioners are aggrieved by the substantive order issued after filing of the writ petition and the petitioners have every right to challenge the said by appropriate proceedings.

[9] In the circumstances, the writ petition is disposed of giving liberty to the petitioners to challenge the letter dated 27-06-2020 issued by the Joint Secretary (Higher & Tech. Edn.), Government of Manipur to the Registrar, Manipur Technical University denying the benefits of back wages to the petitioners from the date of their initial appointment till the date of their

regularization. This Court is of the opinion that since the letter dated 27-06-2020 is also challenged in the rejoinder affidavit filed by the petitioners, the plea of delay and laches will not be available to the State respondents and the University and the writ petition, if filed, be considered on merit.

[10] With this observation, the writ petition is disposed of.

[11] It is made clear that this Court does not express any opinion on the legality of the letter dated 27-06-2020 issued by the Joint Secretary (Higher & Tech. Edn.), Government of Manipur denying back wages to the petitioners and the same is kept/left open to be adjudicated in appropriate forum. No cost.

JUDGE

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