

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

CONT. CAS(C) No. 82 of 2025

Lairikyengbam Tamocha Roy & Anr.

... Petitioners

- Versus -

Prashant Kumar Singh, Chief Secretary &
10 Ors.

... Respondents

B E F O R E

**HON'BLE THE CHIEF JUSTICE MR. K. SOMASHEKAR
HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH**

O R D E R

[K. Somashekar, CJ]

21.07.2025

[1] This contempt proceeding has been initiated by the complainant/petitioner for willful disobedience of order passed by the Coordinate Bench in W.P.(C) No. 917 of 2017 dated 30.10.2023 by urging various grounds.

[2] Learned senior counsel for the respondents no. 2 – 11, Mr. M. Devananda is present before this Court and similarly, learned Government Advocate for the respondent No. 1, Mr. RK Umakanta is also present before this Court physically.

[3] Whereas, learned counsel for the complainant/petitioner, Mr. E. Premjit is present before this Court physically and submits that even though the proceeding in CONT. CAS(C) No. 115 of 2023 in the aforesaid proceeding was disposed of in its order dated 19.03.2025 and wherein, in

the aforesaid contempt proceeding, Mr. E. Premjit, who was counsel for the complainant/petitioner and the same was dismissed as withdrawn with liberty to file fresh petitions subject to satisfaction of the Limitation Act.

[4] Whereas, the order dated 19.03.2025 indicates that the CONT.CAS(C) No. 23 of 2025 and CONT. CAS(C) No. 115 of 2023 were dismissed as withdrawn in its order dated 19.03.2025 (Annexure – P/34).

[5] Whereas, the learned counsel for the complainant/petitioner refers to Para No. 30 of the order rendered in W.P.(C) No. 917 of 2017. The said Para No. 30 reveals that there are 31 posts in the cadre of Executive Engineer / Surveyor of Works / Engineers Officers, i.e. 20 Nos. of Temporary, 7 Nos. of Permanent and 4 Nos. of Supernumerary. Due to the interim order, all these posts are lying vacant. 14 Executive Engineers promoted by DPC proceedings dated 03.02.2018 and promotion order dated 03.02.2018, have already retired from service and only 6 of them are now in service. The 23 direct recruit-Assistant Engineers can be considered in the remaining 25 vacant posts of Executive Engineers, after adjusting the serving 6 Executive Engineers promoted vide DPC proceeding dated 03.02.2018.

[6] Wherein, in this matter, the learned counsel for the complainant/petitioner press into service for consideration of the aforesaid Para No. 14 and wherein, there is an observation by the Co-ordinate Bench. Therefore, this contempt proceeding has been initiated by the complainant/petitioner for taking action against the respondent/accused for willful disobedience of the Court's order and on this premises, requires to comply with the order rendered by the Co-ordinate Bench in the aforesaid proceeding.

[7] On contrary, the learned senior counsel, Mr. M. Devananda who is present before this Court physically is submitting that even though

the earlier contempt proceeding was initiated by the complainant/petitioner (Annexure-P/34) i.e. CONT. CAS(C) No. 23 of 2025 and this proceeding is clubbed with the proceeding i.e. CONT. CAS(C) No. 115 of 2023 wherein, clubbing the contempt cases wherein, Mr. E. Premjit was appearing on behalf of the complainant/petitioner and seeks leave liberty to withdraw the present contempt petition. Accordingly, the contempt petition is dismissed as withdrawn with liberty to file a fresh petition subject to satisfaction of the Limitation Act.

[8] Wherein, the learned senior counsel in this matter is submitting that the order rendered by the Co-ordinate Bench in W.P.(C) No. 917 of 2017 has already been complied with in its order dated 27.12.2023 (Annexure – P/15), wherein in Para No. 8 of the compliance report indicates that in view of the facts and circumstance of the case and in view of the order dated 30.10.2023 rendered in W.P.(C) No. 917 of 2017 and other connected proceedings. The order No. 3/7/2016-IFC (Promo) dated 03.02.2018 promoting the 20 (twenty) Assistant Engineer (AEs) to the post of Executive Engineers (EEs) in the WRD has been restored back. Out of these 20 (twenty) AEs, 14 (fourteen) AEs had already retired on attaining the age of superannuation and at present only 6 (six) Assistant Engineers are in service. However, their promotion will be on notional basis with effect from 03.02.2018 for all purposes (except arrears financial benefits) and their financial benefits will be with immediate effect, in terms of Govt. O.M. No. 18/5/2005-FD(PIC), dated 10.10.2005 issued by the Finance Department. The same has been indicated in Para No. 8 of the compliance report issued by the Commissioner (WR), Government of Manipur, dated 27.12.2023.

[9] Therefore, the learned senior counsel in this matter is submitting that the order has been rendered by the Commissioner (WR), Government of Manipur dated 27.12.2023 pursuant to the order rendered by the Co-ordinate Bench in W.P.(C) No. 917 of 2017 and connected proceedings and therefore, it does not arise compliance again to initiate contempt proceeding and because liberty has been accorded to the complainant/petitioner in the proceeding of CONT. CAS(C) No. 23 of 2025 and also connected proceeding in CONT. CAS(C) No. 115 of 2023 and therefore, the learned senior counsel is submitting that the present contempt proceeding does not survive for consideration.

[10] Keeping in view of the submission made by the learned counsel for the petitioner, Mr. E. Premjit and learned senior counsel for the respondents No. 2 to 11, Mr. M. Devananda, provision of Section 2(b) of the Contempt of Court Act, 1971 reveals in this matter which reads as thus –

Section 2(b) : "civil contempt" means wilful disobedience to any judgment, decree, direction, order, writ or other process of a court or wilful breach of an undertaking given to a court;

[11] However, this contempt proceeding has been initiated by the complainant/petitioner seeking intervention of taking action against the respondent/accused for wilful disobedience of order rendered by the Co-ordinate Bench in the aforesaid writ petition. When once the compliance report has been submitted and also compliance of the order rendered by the Co-ordinate Bench in the aforesaid writ petitions and also compliance made by the concerned respondents/authorities and therefore, it is stated that no ingredients have been constituted in respect of Section 2(b) of Contempt of Court Act, 1971.

[12] Consequently, this contempt proceeding does not survive for consideration to persuade the matter to take action against the respondents/accused for willful disobedience of the order as sought for.

[13] Accordingly, the present contempt is hereby dismissed for the aforesaid reasons and findings.

JUDGE

CHIEF JUSTICE

Bipin