

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

WP(C) No. 804 of 2023

O. Iboyaima Singh.

...Petitioner

- Versus -

State of Manipur & Anr.

...Respondents

**With
WP(C) No. 533 of 2020**

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

ORDER

23-01-2025

[1] Heard N. Surendrajit, learned counsel for the petitioner and Mrs. Ch. Sundari, learned Government Advocate for the State respondents.

[2] By the present petition, WP(C) No. 533 of 2020, the petitioner challenges the correctness of the impugned order dated 03-05-2019 passed by the Director, Education (S), Government of Manipur whereby the substantive pay scale of the petitioner at the time of retirement has been reduced from the pay scale of Rs. 7,500-12,000/- p.m. (Selection Grade) to Rs. 4,500-7,000/-. It is the case of the petitioner that vide order dated 10-10-2008 issued by the Director, Education (S), Government of Manipur, the petitioner was allowed to retire from service in the pay scale Rs. 7,500-12,000/- p.m. (Selection Grade) as a Head Master of Oinam Girls Primary School w.e.f. 31-07-2008 and by the impugned order, the pay scale of the petitioner has been reduced without issuing any notice.

[3] Learned counsel for the petitioner relies on the decision of the Hon'ble Supreme Court in the case of **Bhagwan Shukla vs Union of India**

reported in (1994) 6 SCC 154 para 3 where the order of the reduction of the pay scale without issuing notice to the employee was set aside. Learned counsel for the petitioner also refers to a decision of the Hon'ble Supreme Court in the case of **Jagdish Prasad Singh vs. State of Bihar**, Citation No.: 2024 INSC 591 wherein reduction of pay scale without notice and demand of refund of the excess payment was held to be invalid.

[4] WP(C) No. 804 of 2023 is filed by the petitioner challenging the Annexure-R/1 filed by the respondents in WP(C) No. 533 of 2020 whereby vide order dated 28-01-2002 issued by the Director, Education (S), Government of Manipur, the Head Masters of Lower Primary/Primary School who are look after/in-charge basis were reverted to their substantive posts. It is also submitted that while issuing the order dated 28-01-2002, notice was not issued to any of the in-charge Headmasters including the petitioner herein.

[5] On the other hand, Mrs. Ch. Sundari, learned Government Advocate for the State respondents, submits that vide order dated 07-06-1978, the petitioner and others were declared as Head Pandits of the Primary Schools with charge allowance of Rs. 5/- without actually promoting him to the post of Head Master/Head Pandit and this has been continued for a long period and in the circumstances, in the service record the petitioner was wrongly shown as Head Pandit and his pay scale was fixed at Rs. 7,500-12,000/-. Later on, this anomaly was detected and the pay scale was corrected and reduced to Rs. 4,500-7,000/-. Accordingly, the petitioner filed a writ petition being WP(C) No. 25 of 2013 and vide order dated 07-08-2018, this Court directed the State authorities to rectify the mistake, if any, in deciding the pay scale and to grant pensionary benefits on the basis of the correct pay scale applicable to the petitioner. It is submitted that vide order

03-05-2019, the Director, Education (S), Government of Manipur has analyzed the material on record including the paper book of the writ petition being WP(C) No. 25 of 2013 and observed that the petitioner was never promoted to the post of Head Pandit/Master. In the circumstances, earlier orders dated 02-03-2000 and 19-02-2002 were reviewed and the pay scale of the petitioner was correctly fixed at Rs. 4,500-7,000/- p.m.

[6] From the perusal of the material on record, even though the averment of the writ petitioner was considered by the respondent but while issuing the impugned order, no formal notice was issued to the petitioner. In the circumstance, the writ petitions are disposed of without expression any opinion on the merit of the case and by giving the petitioner an opportunity to submit a representation to the Director of Education (S), Government of Manipur for considering his case afresh. If the submission is made by the petitioner for reconsideration of the earlier order, the State Respondent specially, Director of Education (S), Government of Manipur may reconsider its earlier order. The representation shall be submitted within a period of four weeks and the same shall be considered by the State Government on merit by passing a speaking order within a period of two months from the date of receipt of a copy of this order.

[7] The writ petitions are disposed of in terms of the above direction. It is made clear that this Court has not expressed any opinion on the related merit of the case.

[8] Furnish copy of this order to the learned counsel appearing for the parties.

JUDGE

Victoria