

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

WP(C) No. 460 of 2024

Leishangthem Samarendra Singh & 3 ors.

Petitioners

Vs.

State of Manipur & 4 ors.

Respondents

**BEFORE
HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH**

19.06.2025

Heard Mr. Kh. Tarunkumar, learned senior counsel assisted by Ms. Julekha Khan, learned counsel, appearing for the petitioners; Mrs. L. Monomala, learned G.A. appearing for respondent Nos. 1 to 3; and Mr. N. Ibotombi, learned senior counsel assisted by Mr. Th. Ningtamba, learned counsel, appearing for respondent No. 4.

None appeared for respondent No. 5, despite service of notice.

The present writ petition has been filed challenging the order dated 28.06.2024 issued by the Secretariat: Skills, Labour, Employment and Entrepreneurship Department, Government of Manipur, effecting transfer and posting of respondent Nos. 4 & 5. By the said transfer order, respondent Nos. 4 & 5 were allowed to function as Principal, Government Women ITI Takyel and Principal, Government ITI, Ukhrul respectively on in-charge basis. The grievance raised by the present petitioners are that the petitioners are senior to both respondent Nos. 4 & 5 in their substantive post of Instructor and that without considering their cases, who were senior to respondent Nos. 4 & 5, the Government has allowed respondent Nos. 4 & 5 to function as Principal on in-charge basis. On behalf of the petitioners, reliance has been placed on the Office Memorandum dated 03.10.2020

issued by the Department of Personnel & Administrative Reform (Personnel Division), wherein certain policies have been provided with regard to making in-charge appointments.

The relevant portions of the said Office Memorandum are as under:-

4. Thus, with a view to bring uniformity, clarity and enforceable norms in making such in-charge appointments, the following norms are hereby issued for compliance by all concerned:

- i. Appointment on in charge basis shall be made against a post only when there is no official eligible as per RR to fill up the said post, either by direct recruitment or by promotion through duly constituted DPC.*
- ii. In the absence of any official eligible as per RR to fill up a particular post, the senior most person amongst cadre/officials belonging to the feeder post of the said particular post shall be appointed to hold the said post on in-charge basis, at no extra remuneration and in addition to the substantial post held by the appointee in the lower post. Needless to say, the appointee shall draw pay against the lower post substantially held by him.*

According to the petitioners, the respondents Nos. 4 & 5, who are admittedly juniors to the present petitioners, have been given in-charge appointment of the higher post of Principal in the guise of the transfer and in complete violation of the standing policy of the State Government as contained in the aforesaid Office Memorandum dated 03.10.2020. The learned senior counsel appearing for the petitioners, accordingly, submitted that the impugned transfer and posting order dated 28.06.2024 may be quashed and set-aside in respect of respondents Nos. 4 & 5.

Mrs. L. Monomala, learned G.A. appearing for respondents Nos. 1 to 3, placed before this Court the relevant Government File in terms of the earlier direction given by this Court and fairly submitted that on perusal of the said official record it is clearly revealed that the cases of

the present petitioners were not considered at the time of issuance of the said impugned transfer order.

The learned G.A., also submitted that if in case, this Court is inclined to interfere with the impugned transfer order on the ground that the case of the present petitioners have not been considered, the authorities may be given liberty to consider the case of the present petitioners along with the case of respondent Nos. 4 & 5 for issuing a new transfer order and for giving in-charge appointment of the Principal, Government Women ITI, Takyel and Principal, Government ITI, Ukhrul. The learned G.A., further, submitted that till a fresh order is issued by the authorities, the respondent Nos. 4 & 5 may be allowed to continue in their present posting in the interests of administrative exigency.

Mr. N. Ibotombi, learned senior counsel appearing for respondent No. 4, also endorsed the submission made by the learned G.A. and also prays for allowing the respondents to continue at their present place of posting till a fresh order is issued by the government after considering all the cases of the present petitioners including the present respondent Nos. 4 & 5.

In view of the submission made by the learned counsel appearing for the parties, this Court is of the considered view that the present writ petition can be disposed of by issuing the following directions:-

- (i) The impugned order dated 28.06.2024 effecting transfer and posting in respect of the present respondent Nos. 4 & 5 is hereby quashed and set-aside;
- (ii) The respondent Nos. 1, 2 & 3 are given liberty to consider the case of the present petitioners, as well as, respondent Nos. 4 & 5 for issuing a fresh transfer

and posting order and also for allowing to hold the charge of the Principal, Government Women ITI, Takyel and Principal, Government ITI, Ukhurul;

- (iii) The whole process should be completed within a period of 6(six) weeks from the date of receipt of a certified copy of this order; and
- (iv) It is made clear, until a fresh transfer and posting order is issued, respondent Nos. 4 & 5 should be allowed to continue in their present place of posting.

Needless to mention here that while considering for in-charge arrangement, the authorities should keep in mind of the Office Memorandum issued by the State Government for giving in-charge appointments.

With the aforesaid directions, the present writ petition is disposed of.

JUDGE

Indrajeet