

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

WP(C) No.689 of 2022

1. Mr.Khangembam Jayanta Singh,
aged about 60 years, s/o (L) Kh.Thambou
Singh of Wangkhei Ningthem Pukhri
Mapal, Imphal East District,
Manipur.
2. Mr.Mutum Milankumar Singh, aged about
53 years, s/o (L) M.Dhananjoy Singh of
Kongba Bazar, PO Imphal, PS Porompat,
Imphal East District, Manipur and;
3. Mr.Brahmacharimayum Manoranjan
Sharma, aged about 55 years, s/o
(L) B.Dinamani Sharma of Palace
Compound PO Imphal, P.S Porompat,
Imphal East District, Manipur.

... Petitioners

-Versus-

1. The State of Manipur represented by the
Principal Secretary/Commissioner/
Secretary (Revenue), Government of
Manipur, New Secretariat Buidinng,
Imphal 795001 and
2. The Principal Secretary/Commissioner/
Secretary (DP), Government of Manipur,
Old Secretariat Building, Imphal 795001

... Respondents

**BEFORE
HON'BLE MR. JUSTICE A.GUNESHWAR SHARMA**

For the petitioners	::	Mr.Ng. Jotindra, Advocate
For the respondents	::	Mr. S. Niranjana, Government Advocate
Date of hearing	::	27.05.2025
Date of order	::	28.11.2025

JUDGMENT & ORDER (CAV)

[1] The petitioners in the present writ petition are challenging the impugned order dated 20.09.2021 passed by the Commissioner (Revenue), Govt. of Manipur, by which the claim of the petitioners for payment of pay/salary and remuneration as entitled to Government servants for the period from 1.9.2010 to 30.12.2013, has been denied on the ground that their unauthorised engagements by individual officers for this period, does not create any responsibility on the State Government.

[2] Heard Mr. Ng. Jotindra, learned counsel for the petitioners and Mr. S. Niranjana, learned Government Advocate for the State respondents.

[3] The ad-hoc services of the petitioners were utilized since the date of initial appointment by issuing post facto extension orders from time to time. During such valid extension period, the petitioner Nos.1 and 2 approached the High Court for regularisation and protection of their respective ad-hoc services. WP(C) No.138 of 1999 filed by the petitioners was disposed on 13.12.2000 directing the concerned authority to consider the case of the petitioners for regularisation with other similarly situated persons. Petitioner No.3 along with twenty others also jointly filed WP(C) No.1028 of 2001 and the Court was pleased to pass interim order on 15.6.2001 not to disturb their services until further order if they are really serving under the respondent department with further direction to afford their salary regularly.

By an order dated 11.7.2001 issued by the Principal Secretary (Finance) Government of Manipur, the post occupied by the ad-hoc/in-charge arrangements shall stand as abolished with immediate effect with the exceptions to the cases involving court direction. Thereafter, a corrigendum dated 1.8.2001 was issued by the Deputy Secretary (Finance/PIC), Government of Manipur deleting the term "with the exceptions to the cases involving Court's direction" appearing in the last line of para 5 of the aforesaid order dated 11.7.2001. The said Corrigendum was challenged by the

petitioners vide WP(C) No.6011 of 2001 (GAU)/1422 of 2001 (Imphal) and by an interim order of the Court dated 24.8.2001 suspended the operation of the aforesaid order dated 11.7.2001 and corrigendum dated 1.8.2001 issued by the Finance Department, Manipur and further the respondents were directed not to oust the petitioners from their services if they are working as on that day. Thereafter, by order dated 4.12.2001 issued by the Principal Secretary (Finance) the corrigendum dated 1.8.2001 was withdrawn. Thereafter, the ad-hoc service of the petitioners were extended up to 31.8.2010 by various orders of the competent authority from time to time.

[4] While the petitioners were serving in different capacities in the Revenue, Census and Election a letter dated 18.10.2013 was issued by the Under Secretary (Revenue), Government of Manipur to all DCs, all ADCs, all SDOs and all Sub Registrars, Manipur, regarding the Government policy on ad-hoc regularisation in respect of 288 direct recruit ad-hoc employees of various Government Departments/offices. Thereafter, the ad-hoc services of the petitioner Nos.1 and 2 were regularized as Zilladar vide order dated 31.12.2013 issued by the Under Secretary (Revenue), Govt of Manipur and ad-hoc service of the petitioner No.3 was also regularized as

Mandol vide order dated 31.12.2013 issued by the Under Secretary (Revenue), Government of Manipur and as such, the petitioners are still in service. However, the respondents have not paid their pay and allowances for the period from 1.9.2010 to 30.12.2013 without proper reasons.

[5] The present petitioners along with four others approached the Court by filing WP(C) No.769 of 2014 for payment of their pay and allowances for the period from 1.9.2010 to 30.12.2013 and the same was disposed of on 30.01.2015 by directing the respondents to verify the service records of the petitioners and to pay their salary and allowances if they are found to have served for the period they claimed. It was also directed to be completed within a period of six months from the date of receipt of the order.

Further, the present petitioners along with another jointly filed WP(C) No.324 of 2019 before the Court for a direction to the respondents to comply with the directions passed in WP(C) No.769 of 2014, which was disposed of on 17.7.2019 directing the respondents to comply with the direction passed in WP(C) No.769 of 2014 within a period of three months without fail from the date of receipt of copy of the order. As the order of Court dated 17.7.2019 was not complied, a contempt petition being Cont. Case (C) No.221 of

2019 was filed. While contempt was initiated, a letter dated 13.9.2021 was issued by the Deputy Secretary (Revenue), Government of Manipur to the petitioners separately thereby directing the petitioners to furnish their service verification for the period from 1.9.2010 to 30.12.2013 duly counter signed by the concerned senior officers (SDO and DC). In response to the letter dated 13.9.2021 an application in the form of detailed explanation was submitted by the petitioners separately on 15.9.2021 to the Deputy Secretary (Revenue), through proper channel.

[6] In the counter affidavit of Respondent No.1 it is stated that the last extension of the petitioners' ad-hoc service was done w.e.f. 1.9.2008 to 31.8.2010 vide Government Order No.2/17/2005-Com (Rev) Pt dated 26.10.2010 and thereafter there was no extension of ad-hoc service of the petitioners in the Revenue Department, now Land Resources Department. Hence, the petitioners were not in Government service for the period w.e.f. 1.9.2010 to 30.12.2013. It is also stated that the Office Memorandum dated 03.10.2013 for one-time scheme of regularisation of direct recruit ad-hoc employees in various departments of the government does not include provisions for payment of back wages and the regularisation is prospective from the date of such regularisation. It is pointed out that as

per the OM, (i) the person must be serving on ad-hoc basis continuously since 23.03.2006, (ii) duty certificate of continuously working countered signed by the Administrative Secretaries concerned, and (iii) regularisation will be prospective. Since there is no extension order between the period 01.09.2010 to 30.12.2013, the claim of back wages for the period of ad-hoc service not extended by the competent authority, has rightly been rejected.

[7] Mr. Ng. Jotindra Luwang, learned counsel for the petitioner submits that it is admitted fact that the petitioners were initially appointed on ad-hoc basis and their service has been extended from time to time and in most cases, by issuing orders for retrospective extension of ad-hoc service for a bulk period. Learned counsel refers to such an order dated 26.10.2010 [Annexure-A/8] issued by the Commissioner (Revenue), Govt. of Manipur for extension of ad-hoc services of 124 employees of different designations in the Revenue Department for a period of 24 months wef 01.09.2008 to 31.08.2010. This order includes the names of the three writ petitioners. It is submitted that the ad-hoc employees are allowed to continue to work and usually post facto extension orders have been issued. In the circumstances, the petitioners and other ad-hoc employees of the department continued to work even after expiry of the ad-hoc period in anticipation of

post facto extension. Learned counsel for the petitioners draws the attention of this Court to the various orders [Annexure-A/9 series] issued by the higher officials of the Revenue Department directing the petitioners and other ad-hoc employees to work in particular villages for smooth functioning of the official works in the circles and also assigning them for other works such as election duty, revision of electoral rolls. In some of such orders in Annexure-A/9 series, it has specifically mentioned that the ad-hoc employees including the petitioners are rendering their service continuously. These utilisation orders have not been denied by the respondent in their counter affidavit and in para 7 it simply says no comment. It is reiterated the plea of non-extension of ad-hoc service wef 01.09.2010 to 30.12.2013 cannot be a ground to deny remuneration for the period of their services that have been extracted by the department from them. It is vehemently urged that the regularisation order dated 31.12.2013 of the petitioners under the OM dated 03.10.2013 has impliedly extended the ad-hoc service, as continuous working on ad-hoc basis wef 23.03.2006 is a pre-condition for regularisation of ad-hoc service. Hence, the State authority is estopped from taking the plea that the ad-hoc service wef 01.09.2010 to 30.12.2013 has not been extended. It is prayed that the impugned order dated 20.09.2021 issued by the Commissioner

(Revenue), Govt. of Manipur denying the remuneration for the period wef 01.09.2010 to 30.12.2013 be set aside and the respondents be directed to release the due remuneration.

[8] Per contra, Mr. S. Niranjana, learned Government Advocate submits that the petitioners have themselves admitted that their ad-hoc service has not been extended for the period wef 01.09.2010 to 30.12.2013. It is also admitted fact that the ad-hoc services of the petitioners and others were regularised wef 31.12.2013 with immediate effect, thereby meaning that the regularisation will be prospective and OM dated 03.10.2013 does not include payment of back wages. In the circumstances, it is submitted that the claim of back wages for the period wef 01.09.2010 to 30.12.2013 was rightly rejected by the impugned order dated 20.09.2021. It is prayed that the writ petition be dismissed being devoid of any merit.

[9] This Court has perused the materials on record, the submissions made at the bar and law in this regard. The short question arose in the present petition is

"Whether the employees whose ad-hoc service has not been extended, are entitled to remuneration for the period which their services have been utilised by the employer?"

[10] From the pleadings of the parties, the following facts are admitted:

- (i) The petitioners were appointed on ad-hoc basis vide orders dated 29.08.1997 and 23.12.1997.
- (ii) Their ad-hoc services were extended from time to time.
- (iii) As seen from order dated 26.10.2010 [Annexure-A/8] issued by the Commissioner (Revenue), Govt. of Manipur, services of 124 ad-hoc employees of the departments were extended post facto for the period wef 01.09.2008 to 31.08.2010 for a period of 24 months. This shows that there has been practice of post facto extension of ad-hoc service for a bulk period.
- (iv) There has not been any official extension of ad-hoc service for the period wef 01.09.2010 to 30.12.2013 till the date of prospective regularisation vide order dated 31.12.2013. However, there are various orders issued by SDCs/SDOs for utilisation of the services of the petitioners and other similarly employees during the period wef 01.09.2010 to 30.12.2013 in various assignments as seen from orders annexed as Annexure-A/9 series. Such orders are not denied by the respondents, except for the plea that the officers issuing such orders are not competent to extend the ad-hoc services.
- (v) The ad-hoc services of the petitioners and others were regularised vide orders dated 31.12.2013 with immediate effect.

(vi) By the impugned order dated 20.09.2021, the remuneration for the period wef 01.09.2010 to 30.12.2013 has been denied to the petitioners on ground of non-extension of ad-hoc service for this period.

(vii) OM dated 03.10.2013 issued by the Government of Manipur for one time regularisation of 288 direct recruit ad-hoc employees in various departments pre-supposes 'serving on ad-hoc basis continuously from 23.03.2006 onwards'.

(viii) The ad-hoc services of the petitioners and similarly situated persons, were regularised wef 31.12.2013 under the OM dated 03.12.2013 on the basis of recommendation of a duly constituted special DPC.

[11] This Court is of the view that the petitioners are entitled to remuneration for the period wef 01.09.2010 to 30.12.2013 during which period their services were utilised and/or extracted by the respondents on the basis of specific orders, notwithstanding issuance of any formal order of extension of ad-hoc services. It is further held that regularisation of the ad-hoc service prospectively vide order dated 31.12.2013 will amount to implied extension of ad-hoc services of the petitioners for the period wef 01.09.2010 to 30.12.2013 in view of the clear mandate of the OM dated 03.10.2013 which presupposes continuing service on ad-hoc basis since 23.03.2006 [as observed in Para 10(vii) above].

Respondents are directed to release the due remunerations of the petitioners for the period wef 01.09.2010 to 30.12.2013 within a period of three months from the date of receipt of a copy of this order.

[12] Writ petition is allowed and is disposed of in terms of directions and observations in para 11 above. No cost.

[13] Send a copy of this order to the Administrative Secretary (Revenue, now Land Resource), Govt. of Manipur for information and necessary compliance.

JUDGE

FR/NFR

Priyojit

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