

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

WP(C) No. 1053 of 2018

Shri Th. Jeetendra Singh.

...Petitioner

- Versus -

State of Manipur & 5 Ors.

...Respondents

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

ORDER

20-11-2025

[1] Heard Mr. H.S. Paonam, learned senior counsel assisted by Ms. Th. Lekhakumari, learned counsel for the petitioner; Mr. Th. Sukumar, learned Government Advocate for the State respondents; and Mr. Y. Nirmolchand, learned senior counsel assisted by Mr. L. Raju, learned counsel for IMC.

[2] The petitioner was working as Food Inspector in Imphal Municipal Corporation (IMC) and prior to the year 2003, i.e. ROP 1999, he was getting pay scale of Rs. 5,000-8,000/- per month. Since one person, namely Mr. R.K. Nokulsana Singh of the same rank, i.e. Food Inspector, was getting higher pay, the petitioner approached the then Gauhati High Court, Imphal Bench (now High Court of Manipur) by way of WP(C) No. 1300 of 2003 *inter alia* praying that he may be given the same higher pay scale of Rs. 6,500-10,500/- p.m. enjoyed by Mr. R.K. Nokulsana Singh who also held the same post as the petitioner. However, vide judgment and order dated 24-02-2006, the writ petition filed by the petitioner herein i.e. WP(C) No. 1300 of 2003

was dismissed by the learned Single Judge. However, it was recorded that the petitioner was enjoying the pay scale of Rs. 5,000-8,000/- per month at the relevant time and the pay scale enjoyed by Mr. R.K. Nokulsana Singh was personal.

[3] Imphal Municipal Corporation issued an order dated 18-12-2017 in terms of ROP, 2010 prescribing the applicable pay scales to the employees of IMC and at serial No. 10, the existing pay scale of Food Inspector under ROP, 1999 is wrongly mentioned as Rs. 4,500-7,000/- and accordingly, the revised pay scale was wrongly fixed at Rs. 5,200-20,200/- with grade pay of Rs. 2,800/-.

[4] Mr. H.S. Paonam, learned senior counsel for the petitioner, has pointed out that admittedly, the Food Inspector in IMC was having a pay scale of Rs. 5,000-8,000/- under ROP, 1999 and in the revised pay scale vide order dated 18-12-2017, the existing pay scale under ROP, 1999 has been wrongly mentioned as Rs. 4,500-7,000/-. In the circumstances, the petitioner was given the revised pay scale under ROP, 2010 of Rs. 5,200-20,200/- with grade pay of Rs. 2,800/- in place of correct pay scale of Rs. 9,300-34,800 with grade pay of Rs. 4,200/-. Learned senior counsel for the petitioner refers to the letter dated 28-04-2018 written by the Joint Director (MAHUD), Government of Manipur to the Secretary (MAHUD), Government of Manipur for rectification of the pay scales with respect to the posts of Reporter-II, ARI and Food Inspector and in this letter, for the Food Inspector, it is said that the pre-revised pay scale should be Rs. 5,000-8,000/- and the proposed pay scale should be Rs. 9,300-34,800/- with grade pay of Rs. 4,200/-. It is submitted that the error occurred at serial No. 10 of the order dated 18-12-2017 for the post of Food Inspector be rectified so that

the petitioner may be entitled to get the correct pay scale of Rs. 9,300-34,800/- with grade pay of Rs. 4,200/-.

[5] On the other hand, Mr. Th. Sukumar, learned Government Advocate appearing for the State respondents, refers to the counter affidavit specially to paras 6, 7 & 8 stating that the anomaly in the pay scale has to be rectified by the expert in the Finance Department and also submitted that the present writ petition is barred by *res judicata* after dismissal of the earlier writ petition, WP(C) No. 1300 of 2003 filed by the petitioner and the petitioner is not an employee of the State Government and it is bound by the rules framed by the IMC. During the course of hearing, Mr. Th. Sukumar, learned Government Advocate, has produced a letter dated 13-11-2025 sent by the Director (MAHUD), Manipur to the Office of Government Advocate, High Court of Manipur stating that under ROP, 1999 the pay scale of Food Inspector was Rs. 5,000-150-8,000/- and in ROP, 2010, the pay scale of Food Inspector was reflected as Rs. 4,500-7,000/- and the revised pay scale is Rs. 5,200-20,200/- with grade pay of Rs. 2,800/-. The letter is taken on record. It is submitted that this Court may pass an appropriate order considering the material on record.

[6] Mr. Y. Nirmolchand, learned senior counsel for IMC, submits that in the letter dated 28-04-2018 submitted by the Joint Director (MAHUD), Government of Manipur to the Secretary (MAHUD), Government of Manipur, a proposal has been made for correction of the pay scale of the Food Inspector in the pre-revised pay scale under ROP, 1999 as Rs. 5,000-8,000/- with corresponding proposed pay scale under ROP, 2010 as Rs. 9,300-34,800/- with grade pay of Rs. 4,200/- and this Court may pass an appropriate order considering the proposal submitted by the Department.

[7] This Court has perused the material on record. The only prayer for the petitioner is to rectify the erroneous pay scale of Food Inspector recorded at Serial No. 10 of the order dated 18-12-2017 issued by the IMC adopting ROP, 2010 whereby the existing pay scale of Food Inspector in pre-revised ROP, 1999 has been wrongly recorded as Rs. 4,500-7,000/- in place of correct ROP pay scale of Rs. 5,000-8,000/-. In the circumstances, the revised pay scale under ROP, 2010 has been fixed at the lower scale of Rs. 5,200-20,200/- with grade pay of Rs. 2,800/- in place of correct corresponding pay scale of Rs. 9,300-34,800 with grade pay of Rs. 4,200/-. Regarding the question of *res judicata*, this Court is of the opinion that the relief prayed for in WP(C) No. 1300 of 2003 and the relief prayed for in the present writ petition are different even though some of the parties may be similar and as such, the plea of *res judicata* is rejected. The matter has been pending since 2018 for making the necessary correction in serial No. 10 of the order dated 18-12-2017 issued by the IMC adopting ROP, 2010.

[8] This Court is conscious of the settled proposition of law that fixation of pay scale is to be done by the expert in the Finance Department and the Court should not indulge in actual fixation of the pay scale. However, in the present case, on a joint reading of the order dated 18-12-2017 issued by the IMC adopting ROP, 2010 for its employees; the proposal submitted by the Joint Director (MAHUD), Government of Manipur to the Secretary (MAHUD), Government of Manipur vide order dated 28-04-2018 for correcting the pay scale mentioned in ROP, 1999; letter dated 13-11-2025 issued by Director (MAHUD) and also from the judgment and order dated 24-02-2006 passed in WP(C) No. 1300 of 2003, it is clear that the pay scale of Food Inspector in IMC under ROP, 1999 is Rs. 5,000-8,000/-. However,

while issuing the adoption order dated 18-12-2017, there is a mistake in mentioning the existing pay scale of Food Inspector under ROP, 1999 and in place of correct pay scale of Rs. 5,000-8,000/-, it is wrongly mentioned as Rs. 4,500-7,000/- thereby resulting in the fixation of pay scale under ROP, 2010 at the lower scale of Rs. 5,200-20,200/- with grade pay of Rs. 2,800/- in place of correct pay scale of Rs.9,300-34,800/- with grade pay of Rs. 4,200/-. The error is apparent on the face of it and as such, no more calculation by the expert of the Finance Department is required. In the circumstances, considering the pendency of the matter since 2018 and the petitioner having been retired from service in the year 2019, this Court, exercising the extraordinary power under Article 226 of the Constitution, directs that the pay scale mentioned at serial No. 10 against the post of Food Inspector under ROP, 1999 in the order dated 18-12-2017 be corrected as Rs. 5,000-8,000/- and the corresponding figure in the revised pay scale under ROP, 2010 be corrected as Rs. 9,300-34,800/- with grade pay of Rs. 4,200/-.

[9] With this observation and direction, the writ petition is disposed of.

[10] No costs.

JUDGE

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