

IN THE HIGH COURT OF MANIPUR
AT IMPHAL

W.A. No. 128 of 2022

Moirangthem Bikenjit Singh

Appellant

-Versus-

Mayengbam Sanahal Meitei; & Ors.

Respondents

BEFORE

HON'BLE THE CHIEF JUSTICE MR. D. KRISHNAKUMAR
HON'BLE MRS. JUSTICE GOLMEI GAIPHULSHILLU KABUI

JUDGMENT & ORDER
(ORAL)

11.03.2025

JUSTICE D. KRISHNAKUMAR, CJ:

[1] Heard Mr. T. Momo, learned senior counsel appearing for the appellant; Mr. M. Hemchandra, learned senior counsel, appearing for respondent No. 1; and Mr. W. Niranjit, learned Dy. Government Advocate appearing for respondent Nos. 2 & 3.

[2] The present writ appeal has been filed assailing the impugned judgment and order dated 02.11.2022 passed in W.P. (C) No. 635 of 2022, setting aside the impugned order dated 08.08.2022.

The respondent No. 1 herein has filed the aforesaid writ petition W.P. (C) 635 of 2022, challenging the impugned order dated 08.08.2022 retaining the appellant and respondent No. 1 herein in the original station.

[3] According to the learned senior counsel appearing for the appellant, on 16.06.2022, the appellant herein has been transferred from Tousem TD Block to Kakching CD Block and the respondent No. 1 herein/writ petitioner has been transferred from Kakching CD Block to Tousem TD Block and subsequently, only after about 20 days, on 08.07.2022, the appellant has been transferred from Kakching CD Block to Tousem TD block and the respondent No. 1/writ petitioner has been transferred from Tousem TD Block to Kakching CD Block and again on 08.08.2022, the impugned order in the writ petition has been passed for retaining the appellant at Kakching CD Block and the respondent No. 1 at Tousem TD Block.

The aforesaid order dated 08.08.2022 has been challenged in the writ petition.

[4] Specific allegation of respondent No. 1 herein is that the appellant herein, private respondent in the writ petition was a politically influential person, and therefore, the impugned order was passed by the authority and therefore he has raised the ground of mala fide against the respondent officials as well as the appellant herein/private respondent in the writ petition.

Affidavit-in-opposition has been filed by the appellant/respondent No. 3 before the writ court denying the aforesaid contention and alleging that respondent No. 1 herein/writ petitioner is a highly influential person and has been always making efforts through political pressure and influences to remain continuously posted at Kakching CD Block

[5] Learned single Judge has accepted the said contention of respondent No. 1 herein and the impugned order was quashed and the writ petition came to be allowed.

[6] Learned senior counsel for the appellant relies upon the entire proceeding of the transfer orders passed by the respondent authority; by relying upon the Order No. 1/56/77-RD/2008(Pt.) dated 16.06.2022 wherein the appellant was transferred from Tousem TD Block to Kakching CD Block and respondent No. 1 herein has been transferred from Kakching CD Block to Tousem TD Block and after about 20 days by the same proceeding under Order No. 1/56/77-RD/2008(Pt.) dated 08.07.2022, the appellant herein has been transferred from Kakching CD Block to Tousem TD Block and the respondent No. 1 herein has been transferred from Tousem TD Block to Kakching CD Block. And On 08.08.2022 again, retaining impugned order has been passed by the authority by retaining the appellant herein at Kakching CD Block and respondent No. 1 at Tousem TD Block.

[7] According to learned senior counsel for the appellant, respondent No. 1 is posted at Kakching since 2019. Therefore, as per the Notification Dated 12.05.2022 policy for transfer and posting of Government Employees of the State of Manipur, Under Clause III(i), normal tenure of posting of an officer/employee in a post will be a minimum of 1(one) year and 6(six) months and maximum of 3(three) years in a place of posting. Contrary to that, the aforesaid order has been passed by the authority

concerned and the said factual detail is not considered by the writ court and the same came to be allowed.

[8] Factually, there is no dispute that said order has been passed for transferring the respondent No. 1 herein from one station to another station in the light of the aforesaid proceeding issued by the State of Manipur but when the allegation is concerned there is no answer by the department respondent for such allegation for transferring the respondent No. 1 herein to one station to another station for retaining the aforesaid respondent once the impugned transfer order has been issued.

[9] Learned senior counsel for respondent No. 1/writ petitioner has raised a specific allegation in para 13 of the writ petition that the impugned order dated 08.08.2022 was issued under the political pressure of Minister's/and MLAs under the undue to the pressure from the appellant/private respondent, which according to him, the aforesaid impugned order dated 08.08.2022 is tainted with full of bias malafide and unreasonable.

The aforesaid allegation is denied by the appellant/private respondent in its affidavit-in-opposition by stating that respondent herein/writ petitioner is a high influential person and therefore, it is clear from the fact that both the appellant and the writ petitioner/respondent No. 1 herein have stated in their affidavit that they are influential persons, but the fact remains that the official concerned have not chosen to file counter affidavit.

Though the writ court has stated that no affidavit-in-opposition has been filed by the official respondents and that the affidavit-in-opposition enclosed in the appeal paper book was filed after reserving the judgment in the writ petition but when this Court is raised query whether any specific deny is made in the aforesaid affidavit-in-opposition respect of para 13 of the of the affidavit, however, no specific denial is made nor the official respondents have not chosen to file an appeal before this Court challenging the aforesaid order to justify that such allegation is unwarranted or deny such allegation by the department.

[10] We have carefully considered the appeal grounds raised by appellant herein and this Court of the view that since two years and eight months has been completed in the aforesaid station, this Court is not inclined to interfere with the impugned order.

The appellant is at liberty to submit a representation to the authorities concerned with regard to his transfer and the same shall be considered by the authority in the light of the aforesaid notification dated 12.05.2022.

[11] The writ appeal is disposed of with the above observation.

JUDGE

CHIEF JUSTICE

Sandeep