

IN THE HIGH COURT OF MANIPUR
AT IMPHAL

1. WP(C) No. 966 of 2018

Mr. N. Loli Mao, aged about 41 years old, S/o Nekhini a permanent resident of Punnnamei Village, Senapati District, Manipur at present serving as Assistant Lineman on Adhoc Basis with the posting under the Senapati Division, Electricity Department, Manipur P.O. & P.S. Mao, Senapati District, Manipur – 795106.

...*Petitioner/ s*

-*Versus*-

1. The State of Manipur represented by the Commissioner/Principal Secretary (Power) Government of Manipur, Imphal, Babupara, Secretariat P.O. & P.S. Imphal, Imphal West District, Manipur – 795001.
2. The Chief Engineer (Power) Government of Manipur Keishampat, Imphal West, Khwai Bazar P.O. & P.S. Imphal, Manipur 795001, at present the Managing Director, MSPCL.
3. The Managing Director, Manipur State Power Distribution Company Limited, Secured Office, Opposite DM College/University, P.O. & P.S. Imphal, Imphal West District, Manipur – 795001.

...*Respondent/ s*

2. WP(C) No. 969 of 2018

Mr. Laishram Sanatomba Singh, aged about 48 years old, S/o (L) L. Tombi Singh a permanent resident of Kongpal, P.O. & P.S. Porompat, Imphal East District, Manipur-795005 at present serving as Assistant Lineman/Junior Technical Assistant on Adhoc Basis with the posting under the Lamlong SAub-Division, IED-IV, Electricity Department/MSPDCL, Manipur.

...*Petitioner/ s*

-Versus-

1. The State of Manipur represented by the Commissioner/Principal Secretary (Power) Government of Manipur, Imphal, Babupara, Secretariat P.O. & P.S. Imphal, Imphal West District, Manipur – 795001.
2. The Managing Director, Manipur State Power Distribution Company Limited, Imphal, Manipur (MSPDCL) P.O & P.S. Imphal, Imphal West District, Manipur – 795001.
3. The Chief Engineer (Power) Government of Manipur at Present Managing Director Manipur State Power Company Limited (MSPCL), Manipur, P.O. & P.S. Imphal, Imphal West District, Manipur 795001.

...Respondent/ s

-B E F O R E-

HON'BLE MR. JUSTICE AHANTHEM BI MOL SINGH

For the Petitioners :: Mr. S. Lokendro, Advocate

For the Respondents :: Mr. Th. Vashum, Govt. Advocate

Dates of hearing :: 04-04-2026

Date of Order :: 04-04-2026

(JUDGMENT AND ORDER)
(O R A L)

Heard Mr. S. Lokendro, learned counsel appearing for the petitioners and Mr. Th. Vashum, learned GA appearing for the respondents.

[2] As the facts raised in the present two writ petitions and issues to be decided are one and same, the present two writ petitions are disposed of by this common order.

[3] WP(C)No. 966 of 2018 has been filed with a prayer for quashing and setting aside the impugned order dated 04-03-2016 coupled with a prayer for directing the respondents to consider the case of the petitioner for regularization of his ad-hoc service as Assistant Lineman in the Electricity Department, Government of Manipur.

[4] WP(C)No. 969 of 2018 has been filed with a prayer for directing the respondents to consider the case of the petitioner for regularization of his ad-hoc service as Assistant Lineman in the Electricity Department in terms of the Office Memorandum dated 03-10-2013.

For easy reference and convenience, the petitioner in WP(C) No. 966 of 2018 will be referred as Petitioner No. 1 and the petitioner in WP(C)No. 969 of 2018 will be referred to as Petitioner No. 2.

[5] The facts of the cases in a nutshell are that by an Office Order No. 456 dated 18-12-1998 issued by the Office of the Chief Engineer (Power), Electricity Department, the Petitioner No. 1 was appointed as Assistant Lineman on Ad-hoc basis initially for a period of 6(six) months. Likewise, by an officer order No. 452 dated 18-12-1998

issued by the Office of the Chief Engineer (Power), Electricity Department, the Petitioner No. 2 was also appointed as Assistant Lineman on Ad-hoc basis initially for a period of 6(six) months. The period of Ad-hoc services of the said petitioners were extended from time to time and they continued to render service as Assistant Lineman on ad-hoc basis continuously and without any interruption.

[6] By an Officer Order No. 157 dated 18-06-2009 issued by the Chief Engineer (Power), Electricity Department, the ad-hoc services of both the petitioners were extended w.e.f. 19-06-2000 till 23-09-2005 and thereafter, no order extending the period of ad-hoc service of the petitioners had been issued by the authorities. The undisputed fact is that after 23-09-2005, the period of ad-hoc services were not extended by the authorities by issuing any official orders. However, it is the case of the petitioners that they continued to render service as Assistant Lineman on ad-hoc basis even after 23-09-2005.

[7] While the petitioners were continuing to render service as Assistant Lineman on ad-hoc basis without any official order extending the period of their ad-hoc services, the Department of Personnel and Administrative Reforms (Personnel Division), Government of Manipur, issued an Office Memorandum dated 03-10-2013. The said Office

Memorandum contained the policy of the Government of regularization of ad-hoc services in respect of 288 direct recruit ad-hoc employees of various government departments/offices.

[8] In the said Office Memorandum, the following conditions are laid down for regularising the services of ad-hoc employees :-

- “i) Clear vacant posts in the grade or equivalent must be available for regularization;
- “ii) Persons must be serving on ad-hoc basis continuously from 23-03-2006 onwards on the strength of specific Court Orders or on specific orders of the government with the approval of the State Cabinet;
- “iii) Duty Certificate certifying that the concerned ad-hoc employee is serving continuously till date on the ground mentioned above and duly counter signed by Administrative Secretaries is to be placed before the Special Departmental Promotion Committee;
- “iv) In all cases where the ad-hoc employee has remained in service on the strength of court orders, the relevant court orders may be furnished before the Special Departmental Promotion Committee;
- “v) Regularization shall be with prospective effect and no retrospective effect will be allowed.”

The said policy for regularising ad-hoc services was only a one time measure.

[9] Pursuant to the said Office Memorandum and in response to a letter dated 18-10-2013 from the Commissioner (Power), Government of Manipur, the Chief Engineer (Power), Government of Manipur, wrote a letter dated 25-11-2013 furnishing a proposal for regularization of the then existing 12 numbers of ad-hoc employees of the Electricity Department. In the said list of the then existing ad-hoc employees of the Electricity Department, Manipur, submitted by the Chief Engineer (Power), Government of Manipur, the names of the petitioners were included.

[10] It is on record that a Special DPC meeting was held on 26-12-2013 in accordance with the aforesaid Office Memorandum dated 03-10-2013 and considered the cases for regularization of the ad-hoc services serving in the Electricity Department. The said Special DPC rejected the cases of the petitioners for non fulfilment of two conditions/criteria laid down at Sl. No. (ii) and (iv) of the said Office Memorandum dated 03-10-2013. The said condition nos. (ii) and (iv) are reproduced hereunder for easy reference :

- “ ii) Persons must be serving on ad-hoc basis continuously from 23-03-2006 onwards on the strength of specific Court Orders or on specific orders of the government with the approval of the State Cabinet;

&

“ iv) In all cases where the adhoc employee has remained in service on the strength of court orders, the relevant court orders may be furnished before the Special Departmental Promotion Committee;”

[11] The petitioner No. 1 approached this Court earlier by filing a writ petition registered as WP(C) No. 386 of 2014 with a prayer for directing the respondents to consider his case for regularization of his ad-hoc service as provided under the said Officer Memorandum. The said writ petition was disposed of on 01-09-2014 by directing the State respondents to consider the case of the petitioner No. 1 for regularization of his ad-hoc service against the post of Assistant Lineman in terms of the aforesaid Office Memorandum dated 03-10-2013 and to pass necessary order within a period of 1(one) month from the date of communication of the said order.

[12] In compliance with the aforesaid direction given by this Court, the case of the petitioner No. 1 was considered by the authorities and his claim for regularization of his ad-hoc service was rejected by issuing an order dated 04-03-2016 on the ground, inter alia, that the special DPC considered the cases of both the petitioners in its meeting held on 26-12-2013 and rejected their cases for non fulfilment of the

aforesaid two conditions/criteria laid down at Sl. No. (ii) and (iv) of the said Office Memorandum dated 03-10-2013. The ground for rejection is that the petitioner No. 1 was neither serving on ad-hoc basis on the strength of specific Court orders nor on the specific orders of the government with the approval of the State Cabinet.

[13] It may be noted here that the petitioner No. 1 assailed the order dated 04-03-2016 issued by the Secretariat Power Department rejecting the claim for regularization of his ad-hoc service as Assistant Lineman and also prayed for issuing a direction to the respondents to regularize his ad-hoc service. However, the petitioner No. 2 neither challenge the order dated 04-03-2016 nor the proceeding of the Special DPC meeting held on 26-12-2013, which rejected his claim for regularization of his ad-hoc service.

[14] Mr. S. Lokendro, learned counsel appearing for the petitioner submitted that in the Office Order No. 157 dated 18-06-2009 issued by the Chief Engineer (Power), extending the period of ad-hoc services of both the petitioners w.e.f. 19-06-2000 to 23-09-2005, it is glaringly revealed that they were both serving on ad-hoc basis on the date when the said last extension order was issued.

[15] The learned counsel further submitted that in the letter dated 25-11-2013 from the office of the Chief Engineer (Power), furnishing the proposal for regularization of 12 existing ad-hoc employees of the Electricity Department, it was clearly stated that both the petitioners were still serving as Assistant Lineman on ad-hoc basis. The learned counsel also submitted that in view of such facts, it can be reasonably conclude that both the petitioners were rendering service as Assistant Lineman in the Electricity Department on ad-hoc basis on the date when Office Memorandum dated 03-10-2013 was issued. Therefore, both the petitioners are entitled to have their ad-hoc services regularize as provided under the said Officer Memorandum dated 03-10-2013.

[16] The learned counsel submitted that the One Time Policy of the State Government for regularization of 288 direct recruit ad-hoc employees as provided in the said Office Memorandum were specifically for those 288 ad-hoc employees, which includes both the petitioners, and as such the rejection of their claim for regularization of their ad-hoc service by the authorities is arbitrary and unreasonable and as such, interference from this Court is called for by directing the respondents to regularize the ad-hoc service of the petitioners.

[17] Mr. Th. Vashum, learned GA appearing for the respondents submitted that the One Time Measure of the government for regularization of direct recruit ad-hoc employees were subject to certain conditions. Some of the conditions are that

ii) the Persons must be serving on ad-hoc basis continuously from 23-03-2006 onwards on the strength of specific Court Orders or on the specific orders of the government with the approval of the State Cabinet;

iv) In all cases where the ad-hoc employee has remained in service on the strength of court orders, the relevant court orders may be furnished before the Special Departmental Promotion Committee.

[18] It has been submitted by the learned GA that even though the petitioners were appointed as Assistant Lineman on ad-hoc basis w.e.f. 18-12-1998, the period of their ad-hoc service were extended only up to 23-09-2005 vide Office Order No. 157 dated 18-06-2009 issued by the Chief Engineer (Power). Thereafter, the period of ad-hoc service to the petitioner was neither extended by the authorities by issuing any official order nor is there is any specific order from the Court allowing the petitioner to continue to serve on ad-hoc basis after 23-09-2005.

[19] According to the learned GA, as the petitioners were not serving on ad-hoc basis on the date the said Office Memorandum was issued, the authorities rejected the claims of the petitioners for regularization of their ad-hoc service as they do not fulfill the conditions laid down in the said Office Memorandum.

[20] The learned GA submitted that as the petitioners do not fulfill the required conditions as specified in the said Office Memorandum, the authorities rejected their claims for regularization of their ad-hoc service and as such, there is no ground for interfering with the impugned order dated 04-03-2006 or with the decision taken by the authorities rejecting the claim for regularisation. The learned GA, accordingly prays for dismissing this writ petition as being devoid of merit.

[21] I have heard at length the rival submissions advanced by the learned counsel appearing for the parties and also carefully considered all the materials available on record. In the present case, the said Office Memorandum dated 03-10-2013 provides for regularization of the direct recruit ad-hoc employees as one time measure on fulfillment of certain specific conditions. One of the conditions is that the candidate must be serving on ad-hoc basis

continuously from 23-03-2006 onwards till the issuance of the said Office Memorandum either on the strength of specific Court Orders or on the basis of orders of the government with the approval of the State Cabinet.

[22] Both the writ petitioners were appointed on ad-hoc basis w.e.f. 18-12-1998 and the period of their ad-hoc services were lastly extended upto 23-09-2005 only by issuing an Office Order No. 157 dated 18-06-2009. Thereafter, the period of ad-hoc services of the petitioners were not extended by the authorities and there was also no order passed by the Court allowing the petitioners to continue to serve on ad-hoc basis. Even though it has been claimed by the petitioners that they continued to render services as Assistant Lineman on ad-hoc basis in the Electricity Department on the date when the said Office Memorandum dated 03-10-2013 was issued, the facts still remains that such continuation was not on the strength or any specific Court Orders or on any specific orders of the government. The learned counsel appearing for the petitioners also fairly submitted that there is no specific order either from the Court or from the government extending the period of ad-hoc services of the petitioners after 23-09-2005.

[23] In the present case, as the authorities have rejected the claims of the petitioners for regularization of their ad-hoc service on the ground that they do not fulfill the conditions laid down in the said Office Memorandum, i.e., they don't continue to render service as Assistant Lineman on ad-hoc basis after 23-09-2005 on the strength of any specific Court Orders or on specific orders of the government, this Court do not find any grounds for interfering with such decision of the Government. The One Time Policy of the Government for regularization of ad-hoc services was subject to fulfilment of certain conditions as specified in the said Office Memorandum and when the authorities rejected the claims of the petitioners on the ground that they do not fulfil some of the conditions as specified in the said Office Memorandum, this Court is not inclined to interfere with the decisions of the authorities.

[24] In the result, this Court do not find any merit in the present petition, accordingly, the present writ petitions are hereby dismissed, however, without any costs.

JUDGE