IN THE HIGH COURT OF MANIPUR

AT IMPHAL

W.P.(C) No. 4 of 2020

Soraisam Prabha Devi & 15 ors. ***… Petitioners***

-Versus-

State of Manipur & 2 ors. ***…. Respondents***

B E F O R E

HON'BLE MR. JUSTICE KH. NOBIN SINGH

06-01-2020

Heard Shri Ng. Jotindra, learned Advocate appearing for the petitioners.

[1] According to the petitioners, they being eligible for appointment to the posts of Revenue Assistant, Fish Farm Assistant and Laboratory Assistant in the Department of Fisheries, Manipur, applied for them. A DPC was held from 22-05-1985 to 02-08-1995 in the office of the Directorate of Fisheries and on the basis of the recommendation of the DPC, they were appointed as Revenue Assistant, Fish Farm Assistant and Laboratory Assistant on officiating basis vide various orders issued from 15-02-1986 onwards.

[2] Some of the petitioners along with similarly situated persons approached the Hon'ble Gauhati High Court by way of a writ petition being CR No.2339/88/195/89 for regularisation which was disposed of in terms of the decision rendered in CR No.1, 2, 8 to 33 and 35 to 71 of 1989, directing the respondents therein to consider their representation and not to oust them their service till then. However, they were

terminated from their service without giving them any opportunity of being heard. The termination order was challenged before the High Court in CR No.811 of 1989 which vide its judgment and order dated 16-09-1992 quashed and set aside it. The special leave petition filed before the Hon'ble Supreme Court against it, was dismissed as withdrawn on 02-04-1992 and 14-12-1992 and in the meantime, they were reinstated in their respective services.

[3] Thereafter, a large number of writ petitions came to be filed by the petitioners for regularisation of their services which were disposed of on 19-11-1997 directing the respondents therein to prepare a scheme for absorption of those who had been working for more than 10 years. In a purported compliance with the Court's order, Shri Laishram Mangijao Singh was regularised to the post of Fish Farm Assistant. In respect of the others, the State Government, instead of framing the scheme, converted the officiating appointment of the petitioners and others into a consolidated appointment vide orders dated 03-10-1998 and 06-10-1998 on consolidated pay of Rs.2000/- per month. On being challenged, the orders dated 03-10-1998 and 06-10-1998 were quashed by the High Court with the direction that in the light of the recommendation of a Screening Committee, a scheme for regularisation be framed and a writ appeal being WA No.30 of 2010 filed against it, was disposed of with the direction that the petitioners be allowed to continue in service. In the meantime, the State Government took a decision to convert the officiating appointment into appointment on contractual basis, because of which a Review Petition No.1 of 2011 was filed but was disposed on 10-01-2011.

[4] A Notification dated 22-08-2016 was issued inviting applications from amongst the eligible candidates for appointment to various posts on temporary basis which compelled the petitioners and other similarly situated persons to file various writ petitions challenging the said notification with a prayer that they all be regularised against the vacancies available. The stand of the respondents therein as indicated in their affidavit-in-opposition was that a proposal for creation of posts vide letter dated 12-10-2016 had been sent to the State Cabinet towards their regularisation, on the basis of which the writ petitions were disposed on 05-12-2016 with the direction to complete the exercise.

[5] Recently, the officiating appointment of the petitioners was absorbed and regularised vide order dated 13-12-2019 with immediate effect without their long service being computed for the purpose of grant of retiral benefits, followed by an addendum dated 18-12-2019 issued by the Deputy Secretary (Fisheries), Government of Manipur.

[6] The main grievance of the petitioners is that even though they had been working for so long without any break, they were not given the benefit of Rule 13 of the Manipur Civil Service (Pension) Rules, 1972 which provides that the qualifying service of a Government servant shall commence from the date he/she takes charge of the post to which he/she is appointed either substantively or in an officiating or temporary capacity. Their further grievance is that such benefit had been given to a large number persons who were similarly situated, in various departments like Fisheries, Environment and Ecology Wings, Manipur, Education Department etc., the details of which have been referred to in the writ petition. Equal treatment was not given to them. Some of the petitioners have retired on attaining the age of superannuation without

such benefit being given to them, while others are going to retire in the near future. Being aggrieved by the inaction on the part of the respondents, the petitioners submitted a representation dated 30-12-2019 which is still pending for consideration by the respondents and disposal thereof.

[7] When the matter is listed today for consideration, it has been submitted by the counsel appearing for the petitioners that the instant writ petition can be disposed of by issuing an innocuous order and accordingly, the instant writ petition stands disposed of with the direction that the respondents shall consider the representation dated 30-12-2019 submitted by the petitioners within 30 days from the date of receipt of a copy of this order and dispose of the same by issuing a speaking order in respect thereof.

JUDGE

Dhakeshori

WAIKHOM TONEN MEITEI Digitally signed by WAIKHOM TONEN MEITEI Date: 2020.01.23 15:39:18 +05'30'