Item No.1

IN THE HIGH COURT OF MANIPUR
AT IMPHAL

WP(C) No. 167 of 2020

Manoranjan Roy

....Petitioner

-Versus-

Union of India & 3 Ors. ....Respondents

BEFORE

HON'BLE MR. JUSTICE LANUSUNGKUM JAMIR

Order

11.06.2020

Heard Mr. N. Ibotombi, learned senior counsel assisted by Mr. Boboy Potsangbam, learned counsel for the petitioner. Also heard Mr. W. Darakishwor, learned senior panel counsel appearing on behalf of all the respondents.

By an Order dated 29.08.2007, the petitioner along with 51 others were promoted to the grade of Assistant Engineer (Civil) in General Reserve Engineer Force of Border Roads Organization. Therein, the name of the petitioner appeared at serial No. 42. The petitioner alongwith 19 others were again promoted to the grade of Assistant Executive Engineer (Civil) in the General Reserve Engineer Force of Border Roads Organization by an Order dated 05.12.2013 and his name appeared at serial No. 8. In the meantime, the petitioner sustained injuries to both his eyes while on duty at Afghanistan thereby, disabling him. Accordingly, disability certificates were issued to the petitioner.

In the meantime, the Hon'ble Supreme Court passed Judgment dated 30.06.2016 in WP(C) No. 521 of 2008 (Rajeev Kumar Gupta & Ors. Vs. Union of India & Ors.) wherein, the Government was directed to extend 3 percent reservation to PWD in all the identified post in Group – A and Group – B irrespective of the mode of filling of such posts. In terms of the Judgment and Order

dated 30.06.2016 passed in WP(C) No. 521 of 2008 by the Hon'ble Supreme Court, the petitioner made a Representation dated 17.02.2017 for giving him promotion to the post of Executive Engineer (Civil) under the reserved quota of PWDs. In reply, the Under Secretary to the Government of India, Ministry of Defense, BRDB, (GE-I section) Government of India, wrote to the petitioner on 21.07.2017 indicating that the Government has filed a Review petition before the Hon'ble Supreme Court against the Judgment dated 30.06.2016 passed in WP(C) No. 521 of 2008 (Rajeev Kumar Gupta & Ors. Vs. Union of India & Ors.). The said review petition No. 36 of 2017 and other analogous Civil Appeals were disposed of by Judgment dated 14-15.01.2020 wherein it was held as under:

" 11. We may also note that review petitions were filed and have since been dismissed against both the 2013 and 2016 judgments. Consequently, the reference stands answered by stating that the 2013 judgment as clarified in National Federation of the Blind Vs. Sanjay Kothari, Sec. Deptt. of Personnel and Training, 2015 (9) Scale 611 and the judgment in Rajeev Kumar Gupta & Ors. Vs. Union of India & Ors. – (2016) 13 SCC 153 case will bind the union and the State Governments and must be strictly followed notwithstanding the office Memorandum dated 29.12.2005, in particular. Since the reference has been disposed of by us today, contempt petitions be listed for hearing."

As the decision was in favour of the petitioner, he again made another Representation dated 07.02.2020 before the concerned authorities particularly, the Secretary to the Government of India, Ministry of Defense, the Secretary Border Development Board, Ministry of Defense and the Under Secretary to the Government of India, Ministry of Defense, BRDB (GE I - Section) 'B' Wing, requesting for promotion under the PWD quota to the next higher post of Executive Engineer (Civil) in terms of the judicial

pronouncement of the Hon'ble Supreme Court. The petitioner being aggrieved due to non-consideration of his Representation dated 07.02.2020 is therefore before this Court.

As the Representation dated 07.02.2020 is pending for disposal, this writ petition is disposed of by directing the respondent Nos. 1, 2 & 3 to consider and dispose of the representation in accordance with law within a period of 2 (two) months from the date of receipt of a copy of the Order of this Court.

With the above observations and directions, writ petition is disposed of.

Furnish a copy of this Order to the learned counsel for the parties through their respective e-mails.

JUDGE

joshua

WAIKHOM TONEN MEITEI
Digitally signed by WAIKHOM TONEN MEITEI
Date: 2020.06.12 10:51:41 +05'30'