IN THE HIGH COURT OF MANIPUR

AT IMPHAL

W.P. (C) No. 212 of 2018

1. N.D. Kadenbou, aged about 55 years, S/o (L). N.D. Kaibuanang, R/o Namtiram Village, Tamenglong District, Manipur.
2. Kenedy Kamei, aged about 30 years, S/o Thiuduanang Kamei, R/o Chramram Village, Tamenglong District, Manipur.
3. Lanbangliu, aged about 45 years, W/o Kariaklung Gonmei, R/o Thiulon Village, Tamenglong District, Manipur.
4. T.R. Rinigthengning, aged about 58 years, S/o Late T.R. Pourang, R/o Taningjam Village, Tamenglong District, Manipur.
5. P. Sabastian Gaihaolung, aged about 45 years, S/o (L) Kiugongpou, R/o Oinamlong Village, Tamenglong District, Manipur.
6. Gunreiyang Pamei, aged about 35 years, S/o Kiusingpou Pamei, R/o Sibilong Village, Tamenglong District, Manipur.
7. Mathiuthai aged about 45 years, S/o (L) Gaichang Gonmei, R/o Longkao Village, Tamenglong District, Manipur.
8. Gideon Gangmei, aged about 37 years, S/o Kadongding, R/o Longchai Village, Tamenglong District, Manipur.
9. Haisam aged about 40 years, S/o Njubuing, R/o Old Tousem Village, Tamenglong District, Manipur.
10. Haingeilak aged about 42 years, S/o Hailung, R/o Mandeu Village, Tamenglong District, Manipur.
11. Heileilungbe aged about 38 years, S/o Kiabuing, R/o Phoklong (Kekhulua) Village, Tamenglong District, Manipur.
12. Misualak aged about 48 years, S/o Juliangnb, R/o Inem Village, Tamenglong District, Manipur.
13. Nasachui aged about 40 years, S/o Poujok, R/o Chingkao Village, Tamenglong District, Manipur.
14. Lungbai Daimai, aged about 43 years, S/o (L) Rangum, R/o J. Pabram Village, Tamenglong District, Manipur.
15. Tongjalum Dongel aged about 28 years, S/o (L) Lalkholen, R/o Pangmol Village, Tamenglong District, Manipur.
16. Singsitliena aged about 42 years, S/o Paokai, R/o Gamphajol Village, Tamenglong District, Manipur
17. Kailen Khongsai aged about 37 years, S/o Thangkhohao Khongsai, R/o L. Hangnom Village, Tamenglong District, Manipur.

18. Doulen Kipgen aged about 47 years, S/o Paokhohen Kipgen, R/o Kaimai Kuki Village, Tamenglong District, Manipur.

19. D. Phouruo aged about 45 years, S/o D. Aleu, R/o Old Magulong Village, Tamenglong District, Manipur.

… Petitioners

Vs.

1. The State of Manipur represented by the Commissioner (CAF & PD), Government of Manipur.

2. The Director (CAF & PD), Government of Manipur.

3. The Deputy Commissioner, Tamenglong District, Manipur.

4. Sub-Divisional Officer, Tousem Sub-Division, Tamenglong District, Manipur.

…. Respondents

With

M.C.(W.P.(C)) No. 143 of 2018 in W.P. (C) No. 212 of 2018

1. N.D. Kadenbou, aged about 55 years, S/o (L). N.D. Kaibuanang, R/o Namtiram Village, Tamenglong District, Manipur.

2. Kenedy Kamei, aged about 30 years, S/o Thiuduanang Kamei, R/o Chramram Village, Tamenglong District, Manipur.

3. Lanbangliu, aged about 45 years, W/o Kariaklung Gonmei, R/o Thiulon Village, Tamenglong District, Manipur.

4. T.R. Rinigthengning, aged about 58 years, S/o Late T.R. Pourang, R/o Taningjam Village, Tamenglong District, Manipur.

5. P. Sabastian Gaihaolung, aged about 45 years, S/o (L) Kiugongpou, R/o Oinamlong Village, Tamenglong District, Manipur.

6. Gunreiyang Pamei, aged about 35 years, S/o Kiusingpou Pamei, R/o Sibilong Village, Tamenglong District, Manipur.

7. Mathiuthai aged about 45 years, S/o (L) Gaichang Gonmei, R/o Longkao Village, Tamenglong District, Manipur.

8. Gideon Gangmei, aged about 37 years, S/o Kadongding, R/o Longchai Village, Tamenglong District, Manipur.

9. Haisam aged about 40 years, S/o Njubuing, R/o Old Tousem Village, Tamenglong District, Manipur.

10. Haingeilak aged about 42 years, S/o Hailung, R/o Mandeu Village, Tamenglong District, Manipur.

11. Heileilungbe aged about 38 years, S/o Kiabuing, R/o Phoklong (Kekhulua) Village, Tamenglong District, Manipur.

12. Misualak aged about 48 years, S/o Juliangnb, R/o Inem Village, Tamenglong District, Manipur.

13. Nasachui aged about 40 years, S/o Poujok, R/o Chingkao Village, Tamenglong District, Manipur.

14. Lungbai Daimai, aged about 43 years, S/o (L) Rangum, R/o J. Pabram Village, Tamenglong District, Manipur.

15. Tongjalum Dongel aged about 28 years, S/o (L) Lalkholen, R/o Pangmol Village, Tamenglong District, Manipur.

16. Singsitliena aged about 42 years, S/o Paokai, R/o Gamphajol Village, Tamenglong District, Manipur

17. Kailen Khongsai aged about 37 years, S/o Thangkhohao Khongsai, R/o L. Hangnom Village, Tamenglong District, Manipur.

18. Doulen Kipgen aged about 47 years, S/o Paokhohen Kipgen, R/o Kaimai Kuki Village, Tamenglong District, Manipur.

19. D. Phouruo aged about 45 years, S/o D. Aleu, R/o Old Magulong Village, Tamenglong District, Manipur.

… Applicants/Petitioners

-Versus-

1. The State of Manipur represented by the Commissioner (CAF & PD), Government of Manipur.

2. The Director (CAF & PD), Government of Manipur.

3. The Deputy Commissioner, Tamenglong District, Manipur.

4. Sub-Divisional Officer, Tousem Sub-Division, Tamenglong District, Manipur.

…. Respondents

With

W.P. (C) No. 222 of 2018

1. Lani Panmei, aged about 50 years, S/o Ningthougong Panmei, R/o Model Village, Ward No. III, P.O. & P.S. Tamenglong, Tamenglong District, Manipur.

2. Lungniliu, aged about 59 years, W/o Ringamang Gangmei, R/o Khoupilong, Ward No. V, P.O. & P.S. Tamenglong, Tamenglong District, Manipur.

3. Ramjon Kamei, aged about 32 years, S/o Late Mathiuby Kamei, R/o Duiluan Village, P.O. & P.S. Tamenglong, Tamenglong District, Manipur.

4. Guigailiu Pamei, aged about 30 years, W/o Gaishui Pamei, R/o New Lambulane, Ward No. III, P.O. & P.S. Tamenglong, Tamenglong District, Manipur.

5. Giangthanlung, aged about 44 years, S/o Singonglung Thaimei, R/o Sonpram Village, P.O. & P.S. Tamenglong, Tamenglong District, Manipur.

6. Khiuluwang Kamei, aged about 33 years, S/o Dinikamang Kamei, R/o Chaengdai Village, P.O & P.S. Tamenglong, Tamenglong District, Manipur.

7. Aduana Panmei, aged about 47 years, W/o Kabiu Panmei, R/o Chingkhiuluang, Ward No. V, P.O. & P.S. Tamenglong, Tamenglong District, Manipur.

8. Aphian Gonmei, aged about 42 years, S/o Namsindi Gonmei, R/o Gaidailong, Ward No. IV, P.O. & P.S. Tamenglong, Tamenglong District, Manipur.

9. Chingkhiudiyang Kamei, aged about 60 years, S/o (L) Ninggonpou Kamei, R/o Namkaolong Village, P.O. & P.S. Tamenglong, Tamenglong District, Manipur.

10. Atoguiyang Pamei, aged about 43 years, S/o Ngamhiuwang Pamei, R/o Dailong Village, P.O. & P.S. Tamenglong, Tamenglong District, Manipur.

11. Raikhamliu, aged about 37 years, W/o Ngachau, R/o Namlalong, Ward No. II, P.O. & P.S. Tamenglong, Tamenglong District, Manipur.

12. Gaidimreilu, aged about 30 years, D/o Keininglung, R/o Chiuluan Khongjaron Village, P.O. & P.S. Tamenglong, Tamenglong District, Manipur.

13. K. Gaichampou, aged about 35 years, S/o Khiiujinang Kamei, R/o Puching Village, P.O. & P.S. Tamenglong, Tamenglong District, Manipur.

14. Luithui Pamei, aged about 34 years, S/o Athanbou, R/o L. Pabram Village, P.O. & P.S. Tamenglong, Tamenglong District, Manipur.

15. BT Guijonang, aged about years, S/o BT Lunglemang Inpui, R/o Kabui Khullen Village, Tamenglong/ Noney District, Manipur.

16. Shanti Gonmi, aged about 41 years, S/o Poukhangrei Gonmei, R/o Makhuam Village, Tamenglong/Noney District, Manipur.

17. Pourijin, aged about 38 years, S/o Huliangthui, R/o Abunching Village, Tamenglong District, Manipur.

18. Aleng, aged about 44 years, S/o (L) Miraiba, R/o Haochon Village, Tamenglong/ Noney District, Manipur.

19. G. Peter, aged about 41 years, S/o G. Meijibou, R/o Khumji Village, Tamenglong/ Noney District, Manipur.

20. NK. Lanchao, aged about 42 years, S/o NK. Hodin, R/o Karuangmuan (Nungtek) Village, Tamenglong District, Manipur.

21. Daniel Riamroi, aged about 37 years, S/o R. Keijin, R/o Puichi (Oktan) Village, Tamenglong District, Manipur.

22. Gaimunsin Ngaomei, aged about 32 years, S/o Malinagsin Ngaomei, R/o Phalong Village, P.O. & P.S. Tamenglong, Tamenglong District, Manipur.

… Petitioners

-Versus-

1. State of Manipur, represented by the Commissioner (CAF & PD), Government of Manipur.

2. The Deputy Commissioner, Tamenglong District, Manipur.

3. The Sub-Divisional Officer, Tamenglong Sub-Division, Tamenglong District, Manipur.

…. Respondents

With

M.C.(W.P.(C)) No.137 of 2018 in W.P. (C) No. 222 of 2018

1. Lani Panmei, aged about 50 years, S/o Ningthougong Panmei, R/o Model Village, Ward No. III, P.O. & P.S. Tamenglong, Tamenglong District, Manipur.

2. Lungniliu, aged about 59 years, W/o Ringamang Gangmei, R/o Khoupilong, Ward No. V, P.O. & P.S. Tamenglong, Tamenglong District, Manipur.

3. Ramjon Kamei, aged about 32 years, S/o Late Mathiuby Kamei, R/o Duiluan Village, P.O. & P.S. Tamenglong, Tamenglong District, Manipur.

4. Guigailiu Pamei, aged about 30 years, W/o Gaishui Pamei, R/o New Lambulane, Ward No. III, P.O. & P.S. Tamenglong, Tamenglong District, Manipur.

5. Giangthanlung, aged about 44 years, S/o Singonglung Thaimei, R/o Sonpram Village, P.O. & P.S. Tamenglong, Tamenglong District, Manipur.

6. Khiuluwang Kamei, aged about 33 years, S/o Dinikamang Kamei, R/o Chaengdai Village, P.O & P.S. Tamenglong, Tamenglong District, Manipur.

7. Aduana Panmei, aged about 47 years, W/o Kabiu Panmei, R/o Chingkhiuluang, Ward No. V, P.O. & P.S. Tamenglong, Tamenglong District, Manipur.

8. Aphian Gonmei, aged about 42 years, S/o Namsindi Gonmei, R/o Gaidailong, Ward No. IV, P.O. & P.S. Tamenglong, Tamenglong District, Manipur.

9. Chingkhiudiyang Kamei, aged about 60 years, S/o (L) Ninggonpou Kamei, R/o Namkaolong Village, P.O. & P.S. Tamenglong, Tamenglong District, Manipur.

10. Atoguiyang Pamei, aged about 43 years, S/o Ngamhiuwang Pamei, R/o Dailong Village, P.O. & P.S. Tamenglong, Tamenglong District, Manipur.

11. Raikhamliu, aged about 37 years, W/o Ngachau, R/o Namlalong, Ward No. II, P.O. & P.S. Tamenglong, Tamenglong District, Manipur.

12. Gaidimreilu, aged about 30 years, D/o Keininglung, R/o Chiuluan Khongjaron Village, P.O. & P.S. Tamenglong, Tamenglong District, Manipur.

13. K. Gaichampou, aged about 35 years, S/o Khiiujinang Kamei, R/o Puching Village, P.O. & P.S. Tamenglong, Tamenglong District, Manipur.

14. Luithui Pamei, aged about 34 years, S/o Athanbou, R/o L. Pabram Village, P.O. & P.S. Tamenglong, Tamenglong District, Manipur.

15. BT Guijonang, aged about years, S/o BT Lunglemang Inpui, R/o Kabui Khullen Village, Tamenglong/ Noney District, Manipur.

16. Shanti Gonmi, aged about 41 years, S/o Poukhangrei Gonmei, R/o Makhuam Village, Tamenglong/Noney District, Manipur.

17. Pourijin, aged about 38 years, S/o Huliangthui, R/o Abunching Village, Tamenglong District, Manipur.

18. Aleng, aged about 44 years, S/o (L) Miraiba, R/o Haochon Village, Tamenglong/ Noney District, Manipur.

19. G. Peter, aged about 41 years, S/o G. Meijibou, R/o Khumji Village, Tamenglong/ Noney District, Manipur.

20. NK. Lanchao, aged about 42 years, S/o NK. Hodin, R/o Karuangmuan (Nungtek) Village, Tamenglong District, Manipur.

21. Daniel Riamroi, aged about 37 years, S/o R. Keijin, R/o Puichi (Oktan) Village, Tamenglong District, Manipur.

22. Gaimunsin Ngaomei, aged about 32 years, S/o Malinagsin Ngaomei, R/o Phalong Village, P.O. & P.S. Tamenglong, Tamenglong District, Manipur.

… Applicants/Petitioners

-Versus-

1. State of Manipur, represented by the Commissioner (CAF & PD), Government of Manipur.

2. The Deputy Commissioner, Tamenglong District, Manipur.

3. The Sub-Divisional Officer, Tamenglong Sub-Division, Tamenglong District, Manipur.

…. Respondents

With

W.P. (C) No. 290 of 2018

1. Lani Panmei, aged about 50 years, S/o Ningthougong Panmei, R/o Model Village, Ward No. III, P.O. & P.S. Tamenglong, Tamenglong District, Manipur.
2. Lungniliu, aged about 59 years, W/o Ringamang Gangmei, R/o Khoupilong, Ward No. V, P.O. & P.S. Tamenglong, Tamenglong District, Manipur.
3. Ramjon Kamei, aged about 32 years, S/o Late Mathiuby Kamei, R/o Duiluan Village, P.O. & P.S. Tamenglong, Tamenglong District, Manipur.
4. Guigailiu Pamei, aged about 30 years, W/o Gaishui Pamei, R/o New Lambulane, Ward No. III, P.O. & P.S. Tamenglong, Tamenglong District, Manipur.
5. Giangthanlung, aged about 44 years, S/o Singonglung Thaimei, R/o Sonpram Village, P.O. & P.S. Tamenglong, Tamenglong District, Manipur.
6. Khiuluwang Kamei, aged about 33 years, S/o Dinikamang Kamei, R/o Chaengdai Village, P.O & P.S. Tamenglong, Tamenglong District, Manipur.
7. Aphian Gonmei, aged about 42 years, S/o Namsindi Gonmei, R/o Gaidailong, Ward No. IV, P.O. & P.S. Tamenglong, Tamenglong District, Manipur.
8. Chingkhiudiyang Kamei, aged about 60 years, S/o (L) Ninggonpou Kamei, R/o Namkaolong Village, P.O. & P.S. Tamenglong, Tamenglong District, Manipur.
9. Atoguiyang Pamei, aged about 43 years, S/o Ngamhiuwang Pamei, R/o Dailong Village, P.O. & P.S. Tamenglong, Tamenglong District, Manipur.
10. Raikhamliu, aged about 37 years, W/o Ngachau, R/o Namlalong, Ward No. II, P.O. & P.S. Tamenglong, Tamenglong District, Manipur.
11. Gaidimreilu, aged about 30 years, D/o Keininglung, R/o Chiuluan Khongjaron Village, P.O. & P.S. Tamenglong, Tamenglong District, Manipur.
12. Gaimunsin Ngaomei, aged about 32 years, S/o Malinagsin Ngaomei, R/o Phalong Village, P.O. & P.S. Tamenglong, Tamenglong District, Manipur.

… Petitioners

-Versus-

1. State of Manipur represented by the Commissioner/Secretary (CAF & PD), Government of Manipur.
2. The Director (CAF & PD), Government of Manipur
3. The Deputy Commissioner, Tamenglong District, Manipur.
4. The Sub-Divisional Officer, Tamenglong Sub-Division, Tamenglong District, Manipur.
5. Thunkubuiliu Moita, aged about years, W/o R. Stephen, R/o Sonpram Village, Tamenglong District, Manipur.
6. Daniel Panmei, aged about years, S/o Jongongrei, R/o Phalong Village, Tamenglong District, Manipur.
7. Pouguigai Panmei, aged about years, S/o Chinghian Panmei, R/o Duiluan Village, Tamenglong District, Manipur.
8. Duangailung Pamei, aged about years, S/o Khangchiuga Pamei, R/o Namkaolong (Keikao) Village, Tamenglong District, Manipur.
9. Pouchamdinag Panmei, aged about years, S/o Meikinhuwang Panmei, R/o Akhui (Chaengdai) Village, Tamenglong District, Manipur.
10. Ngamjonang Kamei, aged about years, S/o Khiuliang, R/o Chiuluan Village, Tamenglong District, Manipur.
11. PR Magupou aged about years, S/o PR Amona, R/o Dailong Village, Tamenglong District, Manipur.
12. Gaichamn Panmei, aged about years, S/o Phinalinag Panmei, R/o Namlalong Ward No. II, Tamenglong District HQ, Manipur.
13. Poujok Gonmei, aged about years, S/o Tanjinang Gonmei, R/o Model Village, Ward No. III, Tamenglong District HQ, Manipur.
14. Thuiguang Gonmei, aged about years, S/o Maliang, R/o Ramgailong, Ward No. III, Tamenglong District HQ, Manipur.
15. Gaithakpou Gangmei, aged about years, S/o Mahapou Gangmei, R/o Gadailong, Ward No. IV, Tamenglong District HQ, Manipur.
16. Arina Kamei, aged about years, W/o Agui Kamei, R/o Khoupilong, Ward No. V, Tamenglong District, Manipur.

... Respondents

With

W.P. (C) No. 398 of 2018

1. N.D. Kadenbou, aged about 55 years, S/o (L). N.D. Kaibuanang, R/o Namtiram Village, Tamenglong District, Manipur.
2. Kenedy Kamei, aged about30 years, S/o Thiuduanang Kamei, R/o Chramram Village, Tamenglong District, Manipur.

3. Lanbangliu, aged about 45 years, W/o Kariaklung Gonmei, R/o Thiulon Village, Tamenglong District, Manipur.
4. T.R. Rinigthengning, aged about 58 years, S/o Late T.R. Pourang, R/o Taningjam Village, Tamenglong District, Manipur.
5. P. Sabastian Gaihaolung, aged about 45 years, S/o (L) Kiugongpou, R/o Oinamlong Village, Tamenglong District, Manipur.
6. Gunreiyang Pamei, aged about 35 years, S/o Kiusingpou Pamei, R/o Sibilong Village, Tamenglong District, Manipur.
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17. Kailen Khongsai aged about 37 years, S/o Thangkhohao Khongsai, R/o L. Hangnom Village, Tamenglong District, Manipur.
18. Doulen Kipgen aged about 47 years, S/o Paokhohen Kipgen, R/o Kaimai Kuki Village, Tamenglong District, Manipur.
19. D. Phouruo aged about 45 years, S/o D. Aleu, R/o Old Magulong Village, Tamenglong District, Manipur.
20. Maiboniliu, aged about 35 years, D/o (L) Apan, R/o Tamei-A, Tamei Sub-Division, Tamenglong District, Manipur.
21. Khiubangkhonliu, aged about 40 years, D/o Adinbou, R/o Tamei-B, Tamei Sub-Division, Tamenglong District, Manipur.
22. Ch. Shambou, aged about 32 years, S/o Ch. Halungbou, R/o Nurathel Village, Tamei Sub-Division, Tamenglong District, Manipur.

23. W. Achiubou, aged about 39 years, S/o Late W. Hutanbou, R/o Late W. Hutanbou, R/o Tamah Village, Tamei Sub-Division, Tamenglong District, Manipur.

24. Chamthinang aged about 40 years, S/o Lungdanang, R/o Langmei Village, Tamei Sub-Division, Tamenglong District, Manipur.

25. Khangthailung Malangmei, aged about 29 years, S/o Hakiunimang Malangmei, R/o Pallong Village, Tamei Sub-Division, Tamenlong District, Manipur.

26. Paominlal Lhouvum, aged about 27 years, S/o Paokhohao, R/o L. Thenjang Village, Tamei Sub-Division, Tamenglong District, Manipur.

27. Hoyngambou aged about 37 years, S/o Akengbou, R/o Lenglong Village, Tamei Sub-Division, Tamenglong District, Manipur.

28. Kaithumping aged about 28 years, S/o Thangsah, R/o Langpram Village, Tamei Sub-Division, Tamenglong District, Manipur.

29. Z. Dinironbou aged about 29 years, S/o Z. Kaisuanghubou, R/o Illeng Village, Tamei Sub-Division, Tamenglong District, Manipur.

30. Wibonlungbou aged about 28 years, S/o Pituibou, R/o Takou Village, Tamei Sub-Division, Tamenglong District, Manipur.

31. Mangailakbou aged about 29 years, S/o Namhotbou, R/o Chaton Village, Tamei Sub-Division, Tamenglong District, Manipur.

32. Issiah aged about 32 years, S/o Mahinbou, R/o Makiunong Village, Tamei Sub-Division, Tamenglong District, Manipur.

33. Kadijaiwi aged about 24 years, S/o (L) Dalakbou, R/o Lemta Village, Tamei Sub-Division, Tamenglong District, Manipur.

34. Ngoukaroubou aged about 42 years, S/o Iroulubou, R/o Kuilong Village, Tamei Sub-Division, Tamenglong District, Manipur.

35. Ch. Ashokbou aged about 32 years, S/o Paokai, R/o Gamphajol Village, Tamenglong District, Manipur.

… Petitioners

-Versus-

1. State of Manipur represented by the Commissioner (CAF & PD), Government of Manipur.

2. The Director (CAF & PD), Government of Manipur.

3. The Deputy Commissioner, Tamenglong District, Manipur.

... Respondents

B E F O R E
HON'BLE MR. JUSTICE KH. NOBIN SINGH

For the petitioners	::	Shri D. Julius Riamei, Advocate
For the respondents	::	Smt. L. Monomala, GA
Date of Reserved	::	**11-02-2020**
Date of Order	::	**17-02-2020**

O R D E R

[1] Heard Shri D. Julius Riamei, learned Advocate appearing for the petitioners and Smt. L. Monomala, learned Government Advocate appearing for the respondents.

[2] Since the above writ petitions have arisen out of a similar set of facts, the same are being disposed of by this common judgment and order.

W.P.(C) No. 212 of 2018

[3.1] By the instant writ petition, the petitioners have prayed for issuing a writ of certiorari or any other appropriate writ to quash and set aside the order No.15/CAF & PD/TML/2014 dated 17-02-2018 issued by the Deputy Commissioner, Tamenglong, respondent No.3.

[3.2] According to the petitioners, on the recommendation of the Tamenglong District Selection and Appointment Committee, the petitioners were appointed as Fair Price Shop Agents (FPS Agents and S.K. Oil Sub-Dealers) under the provisions of the National Food Security Act, 2013 vide order dated 30-03-2016 for the period from 2016-2017 to 2017-2018 for Tousem Sub-division, Tamenglong District. The petitioners were effectively discharging their duties under the provisions of the National

Food Security Act. With the change of the Government in the State, the Deputy Commissioner, Tamenglong, without giving an opportunity of being heard, terminated the appointments of the petitioners vide its order dated 08-06-2017.

[3.3] The petitioners filed a writ petition being WP(C) No.469 of 2017 wherein this Court passed an order dated 07-07-2017 suspending the operation of the said order dated 08-06-017 issued by the Deputy Commissioner, Tamenglong. The said writ petition was, later, allowed vide this Court's order dated 08-11-2017 thereby quashing the order dated 08-06-2017 with the direction that the petitioners therein should be allowed to continue to distribute and act as FPS Agents till any such appropriate order was passed by the authority concerned. In compliance with the order dated 08-11-2017, the Deputy Commissioner, Tamenglong issued an order dated 24-11-2017 restoring the agencies of the petitioners as Fair Price Shop Agents.

[3.4] Thereafter, the petitioners were issued foodgrains for the month of December, 2017 which had been effectively sold/ distributed by them to the beneficiaries. Two months later, the Deputy Commissioner issued a show cause notice dated 29-01-2018 to the petitioners on the premises that the foodgrains for the month of December, 2017 and for the months of January, 2017 to March, 2017 were not effectively distributed by them. In response thereto, a reply dated 07-02-2018 was given by the petitioners. However, on 17-02-2018, the Deputy Commissioner, Tamenglong issued an order to the effect that since the verification was pending and in order to

provide the foodgrains regularly to the beneficiaries, the SDO, Tamei and Tousem should take the responsibility of distributing the rice with effect from the allocation of January, 2018. Being aggrieved by the said order, the instant writ petition has been filed by the petitioners.

[3.5] No counter on behalf of the respondents has been fled and therefore, the averments made in the writ petition shall be deemed to have been admitted by them.

W.P. (C) No. 222 of 2018:

[4.1] By the instant writ petition, the petitioners have prayed for issuing a writ of mandamus or any other appropriate writ to direct the respondents to consider the extension of the tenure of the petitioners as Fair Price Shop Agents for the sale and distribution of foodgrains under the National Food Security Act for the Tamenglong and Haochong Sub-divisions as per the Guidelines dated 14-12-2012 issued by the Government of Manipur.

[4.2] According to the petitioners, on the recommendation of the Tamenglong District Selection and Appointment Committee, the petitioners were appointed as Fair Price Shop Agents (FPS Agents and S.K. Oil Sub-Dealers) under the provisions of the National Food Security Act, 2013 vide order dated 30-03-2016 for the period from 2016-2017 to 2017-2018 for the Tamenglong and Haochong Sub-divisions. After their being appointed, the petitioners were effectively discharging their duties as Fair Price Shop Agents under the provisions of the Food Security Act.

However, the Deputy Commissioner, without giving an opportunity of being heard, terminated the appointments of the petitioners vide order dated 08-06-2017. Being aggrieved by it, the petitioners filed a writ petition being WP(C) No.460 of 2017 which was allowed by the High Court vide its order dated 08-11-2017 and the appointments of the petitioners as FPS Agents were restored accordingly. Thereafter, the petitioners were issued foodgrains meant for sale under the National Food Security Act for the Tamenglong and Haachong Sub-divisions for the months of January, 2018. However, the foodgrains for the period from July, 2017 to December, 2017 for the Haochong and for the period from August, 2017 to December, 2017 for the Tamenglong Sub-Divisions were not issued to them. As the term of the petitioners as FPS Agents was over on 31-03-2018, the respective village authorities recommended them for extension of their tenure as FPS Agents but their period was not extended which compelled them to file the instant writ petition.

[4.3] No counter on behalf of the respondents has been fled and therefore, the averments made in the writ petition shall be deemed to have been admitted by them.

W.P. (C) No. 290 of 2018:

[5.1] By the instant writ petition, the petitioners have prayed for issuing a writ of certiorari or any other appropriate writ to quash and set aside the order dated 26-03-2018 issued by the Deputy Commissioner, Tamenglong, respondent No.3 appointing the respondent Nos.5 to 16 as Fair Price Shop

Agents for the sale and distribution of foodgrains under the National Food Security Act for the Tamenglong Sub-division and also to consider the case of the petitioners for appointment as Fair Price Shop Agents as per the Guidelines dated 14-12-2012 issued by the Government of Manipur.

[5.2] According to the petitioners, on the recommendation of the Tamenglong District Selection and Appointment Committee, the petitioners were appointed as Fair Price Shop Agents (FPS Agents and S.K. Oil Sub-Dealers) under the provisions of the National Food Security Act vide order dated 30-03-2016 for the period from 2016-2017 to 2017-2018 for the Tamenglong and Haochong Sub-divisions. After their being appointed, the petitioners were effectively discharging their duties as Fair Price Shop Agents under the provisions of the Food Security Act. However, the Deputy Commissioner, without giving an opportunity of being heard, terminated the appointments of the petitioners vide order dated 08-06-2017. Being aggrieved by it, the petitioners filed a writ petition being WP(C) No.460 of 2017 which was allowed by the High Court vide its order dated 08-11-2017 and the appointments of the petitioners as FPS Agents were restored accordingly. Thereafter, the petitioners were issued foodgrains meant for sale under the National Food Security Act for the Tamenglong and Haachong Sub-divisions for the month of January, 2018. However, the foodgrains for the period from July, 2017 to December, 2017 for the Haochong Sub-division and for the period from August, 2017 to December, 2017 for the Tamenglong Sub-division were not issued to them. As the term of the petitioners as FPS Agents was over on

31-03-2018, the respective village authorities recommended them for extension of their tenure as FPS Agents but their period was not extended which compelled them to file the instant writ petition.

[5.3] The petitioners filed the writ petition being WP(C) No.222 of 2018 praying for consideration of their cases for extension of their tenures wherein this Hon'ble Court passed an order dated 22-03-2018 observing that during the pendency of the writ petition, the State Government was not precluded from considering the cases of the petitioners along with the applicants. Despite the observation being made by this Court, the respondent No. 3 passed the impugned order dated 26-03-2018 appointing the respondent Nos. 5 to 16 as FPS Agents in place of the petitioners. Being aggrieved by the said order dated 26-03-2018, the instant writ petition has been filed by the petitioners.

[5.4] No counter on behalf of the respondents has been fled and therefore, the averments made in the writ petition shall be deemed to have been admitted by them.

W.P.(C) No. 398 of 2018:

[6.1] By the instant writ petition, the petitioners have prayed for issuing a writ of mandamus or any other appropriate writ to release/disburse/ pay the balance/ remaining FPS Agents' Allowance due to the petitioners who were FPS Agents for the Tousem and Tamei Sub-divisions, Tamenglong District as per the Guidelines dated 14-12-2012 issued by the Government of Manipur.

[6.2] According to the petitioners, on the recommendation of the Tamenglong District Selection and Appointment Committee, the petitioners were appointed as Fair Price Shop Agents (FPS Agents and S.K. Oil Sub-Dealers) under the provisions of the National Food Security Act vide Order No. 15/CAF & PD/TML/2014 dated 30-03-2016 for distribution /sales of NFSA food grains for the period from 2016-2017 to 2017-2018 for the Tousem and Tamei Sub-divisions, Tamenglong District.

[6.3] As per the guidelines dated 14-12-2012 issued by the Government of Manipur, Rs. 65/- (rupees sixty five) only per quintal as the margin for sale of PDS items shall be allowed to the FPS Agents subject to its revision by the CAF & PD Department from time to time.

[6.4] The term of appointment of the petitioners came to an end w.e.f. 31-03-2018. However, the petitioners were paid FPS allowances only for 13 months out of the 24 months till date. A representation was submitted to the District Grievances Redressal Officer/ Deputy Commissioner, Tamenglong District and in addition thereto, the petitioners Forum issued a press statement in that regard in a local newspaper on 01-05-2018. Since the respondents having failed to take any action, the instant writ petition has been filed by the petitioners.

[6.5] No counter on behalf of the respondents has been fled and therefore, the averments made in the writ petition shall be deemed to have been admitted by them.

[7.1] During the pendency of the above writ petitions, an application being MC(WP(C)) No.137 of 2018 was filed in WP(C) No.222 of 2018 praying for passing an order directing the respondents to release the backlog of NFSA rice meant for the Tamenglong and Haochong Sub-divisions, Tamenglong for the months of from July, 2017 to December, 2017.

[7.2] According to the applicants/ petitioners, as the NPSA rice was released only for the period from July, 2017 to December, 2017 despite the order being passed by this Court, there had been backlogs. As per the information dated 14-03-2018 of the DSO/ CAF & PD received by them, the NFSA rice meant for the Tamenglong and Haochong Sub-divisions for the period from July, 2017 to September, 2017 with a total quantity of 1575.65 quintals per month, had been issued with the remarks that the distribution had been done through the SDO for three months ie., July to September, 2017 and that although the rice meant for the period from October, 2017 to December, 2017 had been issued, the concerned transport contractor was yet to transport the same from Imphal.

[7.3] An affidavit was filed by the Deputy Commissioner, Tamenglong stating that the distribution of AAY & PHH rice for the months of July, 2017 was carried out under his supervision with the concerned SDO as per the direction of the Director, CAF & PD, Manipur for making alternative arrangement during the period when the FPS agents were not available due to cancellation/ non-appointment of FPS agents or due to pending

court cases so as to ensure that the people were not denied of their benefits. The petitioners were issued rice for the months of August, 2017 and September, 2017 for the Tamenglong and Haochong blocks as per the records of the issue register. The petitioners had been paid their allowance/ honorarium for three months as is evident from the APR signed by them. It has further been stated that as per the report given by the DSO, CAF & PD vide its letter dated 14-08-2019, there was no records available with the office pertaining to the rice for the months of October, 2017 to December, 2017. On enquiry, it was learnt that the transport contractor had not delivered the rice to the Public Distribution Centre, Tamenglong, even after the rice having been lifted from Imphal, for which a show cause notice dated 14-08-2019 was issued to the contractor, Shri Keibamdi Pamei.

[8.1] Similarly, an application being MC(WP(C)) No.143 of 2018 was filed in WP(C) No.212 of 2018 praying for passing an order directing the respondents to release the backlog of NFSA rice meant for the Taosem Sub-division, Tamenglong for the months of from April, 2017 to March, 2018.

[8.2] According to the applicant/ petitioners, the NFSA rice, with respect to the Taosem Sub-division, Tamenlong, for the period from April, 2017 to March, 2018 except for the month of December, 2017 was not issued to the petitioners for the purpose of distribution to the public, despite repeated requests being made to the respondents.

[8.3] An affidavit on behalf of the respondent Nos.1 & 2 was filed stating that there was no any pending/ backlog to release rice under the National Food Security Act, 2013 for the Tamenglong District from the side of the Directorate as well as the CAF & PD, Manipur since April, 2016 till date. An affidavit has also been filed by the Deputy Commissioner, Tamenglong, respondent No.3 stating that the distribution of AAY & PHH rice for the months of April, 2017 to March, 2018, except for the month of December, 2017, was done by the newly appointed agents and there was no complain from the public. It has further been stated that since the petitioners failed to comply with the terms and conditions under the NFSA Act, their appointments were terminated which came to be challenged before this Court which vide its order dated 08-11-2017 quashed it with the observation that it was opened to them to proceed against the petitioners in accordance with law. Therefore, the petitioners were allowed to distribute the rice for the month of December, 2017 but since there were complaints against them, their appointments were terminated after show cause notice being issue to them.

In Re: M.C.(W.P.(C)) No.137 of 2018 in W.P.(C) No.222 of 2018:

[9] It is not in dispute that the petitioners were appointed as Fair Price Shop Agents (FPS Agents and S.K. Oil Sub-Dealers) under the provisions of the National Food Security Act, 2013 vide order dated 30-03-2016 for the period from 2016-2017 to 2017-2018 for the Tamenglong and Haochong Sub-Divisions. In other words, the petitioners were appointed as Fair Price Shop Agents for a period of two years but before the expiry of

the period of two years, the Deputy Commissioner, Tamenglong, without giving an opportunity of being heard, terminated the appointments of the petitioners vide order dated 08-06-2017. When this order dated 08-06-2017 was challenged in WP(C) No.460 of 2017, this Court vide its order dated 07-07-2017 suspended the Government's order dated 08-06-2017 and later, this court vide its order dated 08-11-2017, while allowing it, quashed and set aside the order dated 08-06-2017 directing that the appointments of the petitioners as FPS Agents should be restored. Thereafter, the petitioners were issued foodgrains meant for sale under the National Food Security Act for the Tamenglong and Haachong Sub-Divisions for the month of January, 2018. The allegation of the petitioners was that the foodgrains for the period from July, 2017 to December, 2017 for the Haochong Sub-Division and for the period from August, 2017 to December, 2017 for the Tamenglong Sub-Division were not issued to them. Denying the said allegation, the stand taken by the Deputy Commissioner, Tamenglong in his affidavit, is that the distribution of AAY & PHH rice for the month of July, 2017 was carried out by the concerned SDO as per the direction of the Director, CAF & PD, Manipur. The reason assigned for it was that the FPS agents were not available due to cancellation/ non-appointment of FPS agents or due to pending court cases. It has further been stated that the petitioners were issued rice for the months of August, 2017 and September, 2017 for the Tamenglong and Haochong block as per the records of the issue register. The petitioners had been paid their allowance/ honorarium for three months as is evident

from the APR signed by them. No rejoinder thereto has been filed by the petitioners denying it and therefore, the averment made by the Deputy Commissioner in that regard, can be said to have been correct. It has also been stated in the affidavit that as per the report given by the DSO, CAF & PD vide its letter dated 14-08-2019, there was no records available with the office pertaining to the rice for the months of October, 2017 to December, 2017. On enquiry, it was learnt that the transport contractor had not delivered the rice to the Public Distribution Centre, Tamenglong even after the rice having been lifted from Imphal, for which a show cause notice dated 14-08-2019 was issued to the contractor, Shri Keibamdi Pamei. On perusal of these averments, it is seen that the Deputy Commissioner, Tamenglong has admitted that the NFSA rice for the months of October to December, 2017 was not released to the applicants/ petitioners. The transport contractor did not even deliver the rice, for the said period, to the Public Distribution Centre, Tamenglong but no action appears to have taken against him by the respondents and only on 14-08-2019, a show cause notice was issued to the transport contractor when this Court was seized with the above writ petitions. No material has been brought on record by the respondents to show as to what had happened to the rice, thereafter, of the said period. Without any cogent reason, the petitioners have been deprived of their right to distribute the rice and enjoy the allowance/ honorarium thereof.

In Re: M.C.(W.P.(C)) No.143 of 2018 in W.P.(C) No.212 of 2018:

[10] The applicants/ petitioners were appointed as Fair Price Shop Agents (FPS Agents and S.K. Oil Sub-Dealers) under the provisions of the National Food Security Act, 2013 vide order dated 30-03-2016 for the period from 2016-2017 to 2017-2018 for the Tousem Sub-division, Tamenglong District. In other words, the petitioners were appointed as Fair Price Shop Agents for a period of two years but before the expiry of two years, the Deputy Commissioner, without giving an opportunity of being heard, terminated the appointments of the petitioners vide order dated 08-06-2017. When this order being challenged by the petitioners in WP(C) No.469 of 2017, this Court passed an order dated 07-07-2017 suspending the operation of the said order dated 08-06-017. After the order dated 08-06-2017 having been suspended, the appointments of the petitioners should be deemed to have continued and therefore, the rice ought to have been released to them which the respondents failed to do. Moreover, the said order dated 08-06-2017 was, later, quashed and set aside vide this Court's order dated 08-11-2017 with the direction that the petitioners therein should be allowed to continue to distribute and act as the FPS Agents till any such appropriate order was passed by the authority concerned. In fact, there was no need of issuing the order dated 24-11-2017 by the Deputy Commissioner, Tamenglong restoring the agencies of the petitioners as the FPS Agents and after the termination order dated 08-06-2017 being quashed by this Court, the appointment orders of the petitioners stood automatically revived. The petitioners were

issued foodgrains for the month of December, 2017 which had been effectively sold/ distributed to the beneficiaries. Two months later, the Deputy Commissioner, Tamenglong issued a show cause notice dated 29-01-2018 to the petitioners and taking advantage of it, on 17-02-2018, the Deputy Commissioner, Tamenglong issued an order to the effect that since the verification was pending and in order to provide the foodgrains regularly to the beneficiaries, the SDO, Tamei and Tousem should take the responsibility of distributing the rice with effect from the allocation of January, 2018. This act of the Deputy Commissioner, Tamenglong was absolutely illegal and moreover, on perusal of the aforesaid facts and circumstances, it is seen that the Deputy Commissioner, Tamenglong did not bother for the orders passed by this Court. As long as the appointment orders issued in favour of the petitioners remained valid and in operation, nobody could have been entrusted the task of distributing the NFSA rice in their places. The stand of the State Government as indicated in their affidavit, is that there was no any pending/ backlog to release rice under the National Food Security Act, 2013 for the Tamenglong District from the side of the Directorate as well as the CAF & PD, Manipur since April, 2016 till date. This averment made in the affidavit filed on behalf of the State Government cannot be accepted by this Court for the reason that the same is not based on any document. The State Government being an institution, any averment made in the affidavit filed on its behalf, without referring to the documents, has value at all. In other words, an officer of the State Government cannot file an affidavit on behalf of the State Government on

his personal knowledge and it shall be based only on the records maintained by the State Government. This has been made clear to the State Government in one of the cases wherein the State Government did file three affidavits taking different stances in respect of the same subject matter. But in the affidavit filed by the Deputy Commissioner, Tamenglong, respondent No.3, it has been stated that the distribution of AAY & PHH rice for the months of April, 2017 to March, 2018, except for the month of December, 2017, was done by the newly appointed agents and there was no complain from the public. It may be noted that the Deputy Commissioner, Tamenglong is not above the law and its action will have to be governed by rule of law. This Court, while deciding the WP(C) No.460 of 2017, had rejected the contention of the State Government that the Deputy Commissioner is empowered to terminate the agencies of the petitioners therein without assigning any reason and that too, without any show cause notice being given to them. Accordingly, the termination orders were quashed and set aside. In the present case, while the appointment orders issued in favour of the petitioners were in operation, the Deputy Commissioner, Tamenglong as is evident from his affidavit, had permitted the distribution of AAY & PHH rice for the months of April, 2017 to March, 2018, except for the month of December, 2017 to be done by the newly appointed agents which is absolutely illegal. On account of his illegal action, the petitioners have been deprived of their right to distribute the rice and enjoy the allowance/ honorarium thereof as the FPS agents.

[11] On 12-11-2018 when the writ petition being WP(C) No.212 of 2018 was listed for consideration, the learned Counsel appearing for the petitioners submitted that in case the application, filed therein, was allowed by this Court, he would not press the petition. A similar submission was made by him on 28-01-2019 in WP(C) No.212 of 2018 and WP(C) No.222 of 2018 to the effect that he would not press the prayers made in the said writ petitions and that he would confine his submission only to the issue relating to non-delivery of rice as detailed in the applications.

[12] For the reasons stated hereinabove, the writ petitions being WP(C) No.212 of 2018; WP(C) No.222 of 2018 and WP(C) No.290 of 2018 are disposed of as not pressed by the counsel appearing for the petitioners in view of the orders passed by this Court in the applications being MC(WP(C)) No.137 of 2018 and MC(WP(C)) No.143 of 2018 as below:

(a) The application being MC(WP(C)) No.137 of 2018 is allowed in part with the direction that the respondents and in particular, the respondent No.3, Deputy Commissioner, Tamenglong shall release the NFSA rice, meant for the Tamenglong and Haochong Blocks, Tamenglong District, for the months of October, 2017 to December, 2017 to the applicants/ petitioners within three months from the date of receipt of a copy of this judgment and order so that they could distribute the same to the beneficiaries; or in lieu thereof, the applicants/ petitioners shall be paid allowance/ honorarium for the said period of three months, which

they would have enjoyed, had they been allowed to continue discharging their duties as the FPS Agents;

(b) The application being MC(WP(C)) No.143 of 2018 is allowed with the direction that the respondents and in particular, the respondent No.3, Deputy Commissioner, Tamenglong shall pay the allowance/ honorarium to the applicants/ petitioners for the period from the month of April, 2017 to March, 2018, which they would have enjoyed, had they been allowed to continue discharging their duties as the FPS Agents;

(c) In view of the directions (a) and (b) above, the writ petition being WP(C) No.398 of 2018 stands disposed of.

JUDGE

FR/NFR

Devananda

WAIKHOM TONEN MEITEI Digitally signed by WAIKHOM TONEN MEITEI Date: 2020.02.17 14:46:05 +05'30'