Item No. 11
(Video Conferencing)

IN THE HIGH COURT OF MANIPUR
AT IMPHAL

W.P. (C) No. 329 of 2020

1. Shri Wangjam Shyamjai Meitei, aged about 52 years, S/o W. Ibomcha Meitei, a resident of Mayang Imphal Maibam Konjil, P.O. & P.S. Mayang Imphal, District Kakching, Job Card No. 2506 under Maibam Uchiwa G.P.
2. Shagolsem Ratan Singh, aged about 45 years, S/o (L) Sh. Kameshwor Singh, a resident of Mayang Imphal Maibam Konjil, P.O. & P.S. Mayang Imphal, District Kakching, Job Card No. 61 under Maibam Uchiwa G.P.

……. ***Petitioners***

- Versus –

1. The Union of India, represented by its Secretary, Ministry of Rural Development, office at Krishi Bhavan, Dr. Rajendra Prasad Road, New Delhi – 110001.
2. The State of Manipur represented by its Chief Secretary, Govt. of Manipur, office at Old Secretariat, Babupara, P.O. & P.S. Imphal, Imphal West District, Manipur – 795001.
3. The Principal Secretary / Commissioner / Secretary, RD & PR, Govt. of Manipur, office at Secretariat, Babupara, P.O. & P.S. Imphal, Imphal West, Manipur – 795001. – 795001.
4. The Deputy Commissioner, Thoubal, office at Thoubal Secretariat Complex, P.O. & P.S. Thoubal, District Thoubal, Manipur – 795132.
5. The Deputy Commissioner, Kakching, office at Kakching Secretariat Complex, P.O. & P.S. Kakching, District Kakching, Manipur – 795103.
6. The Block Development Officer (BDO), Kakching CD Block, office at DC Complex Kakching, P.O. & P.S. Kakching, Kakching District, Manipur – 795103.
7. The Panchayat Secretary, Maibam Uchiwa Gram Panchayat, Kakching CD Block, P.O. & P.S. Kakching, Kakching District, Manipur – 795103.

8. The Member Zilla Parisad, Maibam Uchiwa Gram Panchayat, Khullakhong Mayai Leikai, P.O. & P.S. Thoubal, Thoubal District, Manipur – 795132.
9. The Pradhan, Maibam Uchiwa Gram Panchayat, Maibam Konjil, P.O. & P.S. Thobual, Thoubal District, Manipur – 795132.
10. The State Bank of India, Thoubal Branch represented by its Manager, Thoubal, P.O. & P.S. Thoubal, Thoubal District, Manipur – 795132.

…. ***Respondents***

BEFORE

HON'BLE THE CHIEF JUSTICE MR. RAMALINGAM SUDHAKAR
HON'BLE MR. JUSTICE KH. NOBIN SINGH

For the Petitioners	:	Mr. Juno Rahman, Advocate
For Respondents	:	Mr. N. Kumarjit, Advocate General Mr. S. Suresh, ASG
Date of Order	**:**	**10.08.2020**

ORDER (ORAL)

R.S., CJ

[1] Heard Mr. Juno Rahman, learned counsel appearing for the petitioners, Mr. N. Kumarjit, learned Advocate General appearing for the State respondents and Mr. S. Suresh learned ASG for the Union respondent.

[2] The prayer in the writ petition as follows :-

> ***"(ii****i) To issue a writ in the nature of Mandamus/Certiorari or any other appropriate writ/ directions/ orders, directing the respondents to release unpaid wages/ back lock wages/ money under Mahatma Gandhi National Rural Employment Guarantee Schemes (MGNREGS) to the petitioner and other 2780 (two thousand seven hundred & eighty) Job Card holders/beneficiaries for un-skilled manual works rendered/served, till date, in respect of Maibam Uchiwa Gram Panchayat, Thoubal/ Kakching District immediately without any further delay and also in larger interest of the Job Card holders of Maibam Uchiwa Gram Panchayat, Kakching District,*

Manipur in view of the facts and circumstances of the present petition."

[3] The writ petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of Mandamus / Certiorari or any other writs / orders / directions, directing the respondents to release unpaid/ back lock wages/ money under MGNREGS to 2780 (two thousand seven hundred & eighty) Job Card holders/beneficiaries for un-skilled manual works rendered/ served, till date, thereafter regularly in respect of Maibam Uchiwa Gram Panchayat, Thoubal/ Kakching District immediately, in view of the facts and circumstances of the present petition.

The petitioners claim that they are the Job Card holders/beneficiaries under MGNREGS and they have been rendering un-skilled manual works under the said Scheme in the Maibam Uchiwa GP, Thoubal/Kakching District, Manipur. The petitioners along with 2778 (two thousand seven hundred & seventy eight) Job Card holders/beneficiaries have been rendering un-skilled manual works under MGNREGS since its implementation smoothly, in the Maibam Uchiwa GP, without any disruption.

However, to the utter shock and surprise of the petitioner, a Public Interest Litigation, (PIL) No. 17 of 2020 has been filed before this Court by three persons, praying for issuance of writ of Mandamus or any other appropriate writs, praying inter-alia to hand over all the Job Cards of MGNREGS and Bank Pass Books including ATM Cards along with Pin Numbers in respect of Maibam Uchiwa G.P. to the Job Card holders/beneficiaries as per MGNREG Act and further prayed not to make any payments in favour of the beneficiaries of the Maibam Uchiwa G.P. as

all the operators of the passbooks requires to be verified pending final disposal of the PIL No. 17 of 2020.

Mr. Juno Rahman, learned counsel appearing for the petitioner further pleaded that in view of the interim order dated 21.05.2020 passed in PIL No. 17 of 2020, the entitled wages/money could not be released to the genuine Job Card holders/beneficiaries during this hard time/period of lockdown implemented/enforced as a part of containment measures caused due to pandemic novel corona virus (COVID-19) by the state authority, thereby adversely affecting the genuine Job Card holders/ beneficiaries for no fault of theirs. The fundamental and legal rights of the petitioners and 2778 (two thousand seven hundred & seventy eight) genuine Job Card holders/ beneficiaries, guaranteed under the Constitution of India read with NREG Act/MGNREG Act, Guideline, Rules in this regard have been jeopardized, on the basis of concocted and unfounded allegation made in the PIL No. 17 of 2020. Hence the present writ petition has been filed.

[4] The plea of the petitioners appears to be a sequel to the interim order of his Court dated 21.05.2020 passed in PIL No. 17 of 2020, which reads as follows :-

> ***"[10] As an interim measure, it is further directed that the Respondent No. 4, 5 & 6 should ensure that no wages/ money under Mahatma Gandhi National Rural Employment Guarantee Schemes (MGNREGS) should be released to the Job Card Holders/ beneficiaries of Maibam Uchiwa Gram Panchayat without again verifying the genuineness of the job card holders/ beneficiaries, particularly, the names mentioned in the complaint/ representation."***
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> ***(Emphasis supplied)***

[5] A reading of the interim order dated 21.05.2020 as extracted above makes it clear that there is no absolute restraint order. However,

wages/money under Mahatma Gandhi National Rural Employment Guarantee Schemes (MGNREGS) can be released after proper verification of the genuineness of the Job card Holders. If the names are not specified in the complaint, there can be no impediment.

[6] The authorities are directed to release the payment of money/wages to the job card holders under Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS) after due verification of genuineness of the Job Card holders /beneficiaries. It is further directed that in so far as valley area, district head quarters, taluks and in the hill areas where there are banking facilities, eFMS should be followed as per the Central Government guidlines and cash transaction should be avoided.

[7] The writ petition stands disposed of as above.

JUDGE **CHIEF JUSTICE**

Sandeep

WAIKHOM TONEN MEITEI
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