Item No. 9
(Video Conferencing)

IN THE HIGH COURT OF MANIPUR
AT IMPHAL

MC (PIL) No. 42 of 2020

1. The Member Zilla Parishad, Maibam Uchiwa Gram Panchayat, Khullalhong Mayai leikai, P.O. & P.S. Thoubal, Thoubal District, Manipur – 795132.
2. The Pradhan, Maibam Uchiwa Gram Panchayat, Maibam Konjil, P.O. & P.S. Thoubal, Thoubal District, Manipur – 795132.

……. ***Applicants***

- Versus –

1. Md. Meinam Sidique, aged about 68 years, S/o L. Thambou, resident of Khelakhong Khongman, Khelakhong Khongjil, P.O. & P.S. Thoubal, Thoubal District, Manipur – 795132.
2. Md. Oli, aged about 68 years, S/o (L) Md. Abdul Kadir resident of Uchiwa Nastao, Maibam Uchiwa Gram Panchayat, P.O. & P.S. Mayang Imphal, Thoubal District, Manipur – 795132.
3. Md. Wahid Ali, aged about 47 years, S/o Md. Asraf Ali resident of Nastao Makha Leikai, Uchiwa, P.O. & P.S. Mayang Imphal, Thoubal District, Manipur – 795132.

…..Principal Respondents

4. The Union of India, represented by its Secretary, Ministry of Rural Development and Panchayati Raj, Government of India, Krishi Bhavan, Dr. Rajendra Prasad Road, New Delhi – 110001.
5. The State of Manipur represented by its Chief Secretary, Government of Manipur, Secretariat South Block, Babupara, P.O. & P.S. Imphal, Imphal West District, Manipur – 795001.
6. The Commissioner, Rural Development and Panchayati Raj, Government of Manipur, Secretariat, North Block, Babupara, P.O. & P.S. Imphal, Imphal West District, Manipur – 795001.

7. The Deputy Commissioner, Thoubal, Government of Manipur, Thoubal Athokpam, P.O. & P.S. Thoubal, Thoubal District, Manipur – 795132.
8. The Deputy Commissioner, Kakching, Government of Manipur, P.O. & P.S. Kakching, Kakching District, Manipur – 795103.
9. The Block Development Officer (BDO), Government of Manipur, Kakching DC, P.O. & P.S. Kakching, Kakching District, Manipur – 795103.
10. The Panchayat Secretary, Maibam Uchiwa Gram Panchayat, Kakching CD Block, P.O. & P.S. Kakching, Kakching District, Manipur – 795103.
11. The State Bank of India, Thoubal Branch, represented by its Manager, Thoubal, P.O. & P.S. Thoubal, Thoubal District, Manipur – 795132.

…. ***Official Respondents***

BEFORE

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

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

ORDER(ORAL)

R.S., CJ

[1] Heard Mr. Juno Rahman, learned counsel appearing for the applicants, Mr. N. Jotendro, learned senior counsel appearing for respondent No. 1-3, 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 miscellaneous application reads as follows :-

> ***"****In the present facts and circumstances, it is humbly prayed that as the verification of all the Job Card Holders for genuineness of the Job Cards of the Maibam Uchiwa Gram Panchayat have been completed, therefore, interim order dated 21-05-2020 passed by the Hon'ble Court of Manipur in PIL No. 17 of 2020 to the extent that "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" be modified in view of the facts and circumstances stated above thereby releasing the wages /money under Mahatma Gandhi National Rural Employment Guarantee Schemes (MGNREGS) of the Maibam Uchiwa Gram Pnachayat to the job card holders in the interest of justice and fair play."*

[3] The miscellaneous application has been filed for modification of interim order dated 21.05.2020 passed in PIL No. 17 of 2020. Para 10 of the order dated 21.05.2020 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, <u>the names mentioned in the complaint/ representation</u>."***
>
> ***<u>(Emphasis supplied)</u>***

[4] Mr. Juno Rahman, learned counsel appearing for the applicants referred to letter dated 06.07.2020 written by CEO/District Programme Coordinator (MGNREGA) Thoubal (Annexure-M/2) and pleaded that despite the claims of Job Card Holders whose cases are found to be genuine after verification, wages have not been released.

[5] This statement made by the applicants' counsel is not supported by any specific complaint by such Job Card Holders who are denied payment even after verification. On the other hand (Annexure–M/2) speaks about positive action taken up by the authority and there is no specific complaint made by one or other individuals with regard to non-payment of wages. Hence, no modification of the order dated 21.05.2020 passed in PIL No. 17 of 2020 is required.

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] In view of the above, there is no need to rectify or modify the order dated 21.05.2020 passed in PIL No. 17 of 2020.

Accordingly, the miscellaneous application stands dismissed.

JUDGE **CHIEF JUSTICE**

Sandeep

WAIKHOM TONEN MEITEI Digitally signed by WAIKHOM TONEN MEITEI Date: 2020.08.11 15:05:09 +05'30'