**IN THE HIGH COURT OF MANIPUR**
**AT IMPHAL**

**W.P.(C) No. 535 of 2020**

Mr. Yambem Kesho Singh, aged about 52 years, S/o (L) Y. Ningthemjao Singh of Thoubal Achouba, Pakhangkhong Leikai, P.O. & P.S. Thoubal, Thoubal District, Manipur.

…….. *Petitioner*

-Versus-

1. The State of Manipur represented by the Principal Secretary/ Commissioner/ Secretary (Health & FW) Government of Manipur, Imphal Old Secretariat, South Block, Imphal West, Manipur-795001;

2. The Principal Secretary/ Commissioner/ Secretary (Finance) Government of Manipur, Imphal Old Secretariat, South Block, Imphal West, Manipur-795001;

3. The Principal Secretary/ Commissioner/ Secretary (DP) Government of Manipur, Imphal Old Secretariat, South Block, Imphal West, Manipur-795001 and ;

4. The Director of Health Services, Lamphel, Imphal West District, Manipur.

… *Respondents*

BEFORE
**HON'BLE MR. JUSTICE M.V. MURALIDARAN**

| | | |
|---|---|---|
| For the Petitioner | :: | Mr. Ng. Jotindra Luwang, Advocate<br>Ms. Geetarani Waikhom, Advocate |
| For the Respondents | :: | Mr. S. Nepolean, GA |
| Date of Hearing & | | |

Judgment & Order :: **19.10.2020**

**JUDGMENT AND ORDER**
**(ORAL)**

[1] Today, when the matter is taken up, I heard Ms. Geetarani Waikhom, learned counsel for the petitioner and Mr. S. Nepolean, learned GA who takes on behalf of the Respondents 1 to 4. On consent of both the counsel, the writ petition is disposed off at the admission stage itself.

[2] The writ petitioner has filed the present writ petition seeking the prayers as follows :-

> *"i) to issue a writ in the nature of mandamus, or any other appropriate writs, orders or directions, directing the respondents to release the pay and allowances of the petitioner for serving as LDC in the Medical Directorate, Government of Manipur from the month of August, 2020 till date;*
>
> *ii) to issue a writ in the nature of mandamus, or any other appropriate writs, orders or directions, directing the respondents to rectify the date of joining of the service of the petitioner as LDC in the Medical Directorate, Government of Manipur as 15.03.1997 instead of 28.12.2013 in his*

*employee profile (EIN-084458) under MGEL/CMIS;*

iii) *to pass an interim order to release the pay and allowances of the petitioner for serving as LDC in the Medical Directorate, Government of Manipur from the month of August, 2020 till date during the pendency of the Writ Petition;*

iv) *to direct the respondents for heavy costs and*

v) *to pass any further order or orders as to the Hon'ble Court may seem fit and proper for the ends of justice and equity."*

[3] The learned counsel for the petitioner represented before this Court that he is working as LDC in the Medical Directorate, Government of Manipur.

[4] From the month of August, 2020 till date, no salary has been paid. Apart from this, the writ petitioner is also seeking the prayer to issue appropriate direction to rectify the date of joining of the service of the petitioner as LDC in the Medical Directorate, Government of Manipur as 15.03.1997 instead of 28.12.2013 in his employee profile (EIN-084458) under MGEL/CMIS.

[5] On fair reading of both the prayers and also the affidavit filed by the petitioner, it is nowhere stated that for seeking the above two prayers, the petitioner has given any representation to the respondents requesting to pay his salary and also seeking to rectify the date of joining his service in the Department.

[6] Without filing any representation, the petitioner has filed the present writ petition before this Court.

[7] I have also heard Mr. S. Nepolean, learned GA for the respondents who represented that without submitting any representation before filing the writ petition seeking the prayers, the writ petition is not maintainable since the Hon'ble Supreme Court in a catena of judgments has passed several orders that unless the parties approach the concerned authorities first by way of representation, no writ of mandamus will be granted.

[8] The said judgment is squarely applicable to this case also. Since the prayer sought for in this petition is by way of filing writ of mandamus without first approaching the concerned authorities by way of representation, the writ petition is not maintainable.

[9] Anyhow, since the grievance is in urgent need of the petitioner that though he is working as LDC in the Medical

Directorate, Government of Manipur his salary has not been paid from August, 2020 till date, this Court had considered the same.

[10] Therefore, considering his genuine prayer sought for in this writ petition and without going into the merits and demerits of the case of writ petitioner, I am inclined to pass the following orders :

a) *the writ petition is disposed of in the admission stage itself;*

b) *the petitioner is directed to submit the representation to the fourth respondent within a period of 1 (one) week from the date of receipt of this order seeking the request as per prayer Nos. 1 and 2 made in this writ petition;*

c) *on receipt of the representation as directed by this Court within a stipulated period of time, the 4th respondent, the Director of Health Services, Lamphel, Imphal West District, Manipur is hereby directed to consider the petitioner's representation by giving fair opportunity to the petitioner and pass*

*appropriate speaking orders within a period of 4 (four) weeks thereafter.*

[11] Accordingly, the writ petition is disposed of.

**JUDGE**

**FR/NFR**

*Sushil*

Yumkham Rother

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Date: 2020.10.20 16:50:31 +05'30'