IN THE HIGH COURT OF MANIPUR

AT IMPHAL

W.P. (C) No. 737 of 2019

Mrs. Lucy Thaimei, aged about 36 years old, W/o Taorem Rajiv Singh, Hojai, Assam at present serving as Nurse in Jawaharlal Nehru Institute of Medical Sciences Hospital, a resident of Namgazang Ward No. 7, Bishnupur Sub-Division, P.O. & P.S. Bishnupur, Bishnupur District, Manipur – 795116.

…Petitioner

- Versus -

1. The State of Manipur represented by the Additional Chief Secretary (Works)-cum-Estate Officer, Government of Manipur, Manipur Secretariat, North Block, Imphal – 795001, P.O. & P.S. Imphal.
2. The Chief Engineer (Bldgs), P.W.D. Manipur, P.W.D. Complex, Khuyathong, Imphal West District, Manipur – 795001, P.O. & P.S. Imphal.
3. The Executive Engineer, Building Division-II, P.W.D. Manipur P.W.D. Complex, Khuyathong, Imphal West, District-795001, P.O. & P.S. – Imphal.

…Respondents

B E F O R E

HON'BLE MR. JUSTICE KH. NOBIN SINGH

O R D E R

24-01-2020

[1] Heard Ms. Th. Babita, learned Advocate appearing for the petitioner and Shri Niranjan Sanasam, learned Government Advocate appearing for the respondents.

[2] By the instant writ petition, the petitioner has prayed for issuing a writ of mandamus or any other appropriate writ to direct the respondents to allot a suitable and vacant quarter commensurate

with her scale/status/post within a time frame in terms of the order dated 22-07-2019 issued by the Additional Chief Secretary (Works)-cum-Estate Officer), Government of Manipur.

[3] According to the petitioner, she is a Staff Nurse working at Jawaharlal Nehru Institute of Medical Sciences (JNIMS), Porompat and since there is an acute shortage of quarter in JNIMS, the petitioner approached the Estate Officer, Government of Manipur with a request for allotment of a quarter for residential purpose. On 22-04-2018, the Government of Manipur allotted a Government Quarter Type-III/H-10 at Lamphelpat in the name of the petitioner vide order dated 02-05-2018 subject to the conditions mentioned therein and in order to fulfill the conditions, the petitioner furnished a certificate from the concerned DDO and deposited the rent amounting to Rs.800/-. On 21-05-2018, the office of the Estate Officer issued a letter instructing the Executive Engineer, PWD to hand over the quarter to the petitioner. When the petitioner approached the Executive Engineer, she was informed that since some unauthorized persons were occupying the quarter, it needed to be vacated. The Executive Engineer vide his letter dated 30-05-2018 approached the Deputy Commissioner requesting him to initiate proceedings for eviction of the unauthorized occupants from the said quarter. After having waited for more than a year, the petitioner suddenly received a copy of the order dated 03-05-2019 in the first week of May, 2019 informing that the allotment of the quarter had been cancelled and in place of the earlier quarter, a new quarter Type-II/CP-2 at Lamphelpat was allotted to her and accordingly, the petitioner furnished the requisite certificate of the DDO and a Treasury Challan for having deposited the rent of Rs.800/-. Consequently, the office of the Estate Officer, Manipur directed the Executive Engineer to hand over the quarter to the petitioner.

[4] As has been done in the past, the Executive Engineer wrote a letter dated 17-06-2019 to the Deputy Commissioner requesting him to

evict the person, called Shri K.R. Kapangkhui of Fire Service who was unauthorizedly occupying the quarter allotted to the petitioner. The Estate Officer, Manipur or for that matter, the Executive Engineer could not hand over the vacant quarter to the petitioner with the result that the petitioner was denied the use of the quarter allotted to her. To her shock and surprise, the petitioner received a copy of another order dated 22-07-2019 informing her that the allotment of the quarter had been cancelled and that the quarter allotted to her vide order dated 03-05-2019 had been allotted to Smt. N. Phithiro, Grade-IV (Sweeper), Manipur Fire Service with effect from 01-10-2019. In the order dated 22-07-2019, it has been specifically stated at Para No.8 that the Executive Engineer shall submit a vacant and suitable quarter for allotment in favour of the petitioner as an alternative arrangement shortly. Till date, the Executive Engineer appears to have not done the needful for the reason best known to him. Being aggrieved by the inaction on the part of the respondents, the instant writ petition has been filed.

[5] It is unfortunate that the petitioner was allotted quarter twice for which she did furnish the requisite certificate issued by the DDO and deposit the rent but none of them was handed over to her. The petitioner was genuinely and eagerly waiting for the quarter to be handed over to her. After the orders allotting the quarter to her being cancelled, the State Government issued an order dated 22-07-2019. On perusal of the order dated 22-07-2019, the contention of the learned counsel appearing for the petitioner appears to be correct for the reason that at para No.8 thereof, the Executive Engineer should submit a vacant and suitable quarter for allotment in favour of the petitioner as an alternative arrangement shortly. But the Executive Engineer appears to have not failed to do the needful during the last few months. The State Government being an institution ought to act fairly and reasonably. From the facts and circumstances as aforesaid, it is seen that the State

Government appears to have not acted fairly and reasonably in matter relating to allotment of quarter to the petitioner. The reason as to why the petitioner has not been allotted a quarter so far, has not been placed on record. Moreover, no counter has been filed in order to contest the writ petition and therefore, the averments made in the writ petition shall be deemed to have been admitted by them in terms of various decisions rendered by the Hon'ble Supreme Court.

[6] When the matter is taken up for consideration, Shri Niranjan Sanasam, learned Government Advocate fairly submits that the instant writ petition can be disposed of directing the respondents and in particular, the respondent No.3 to find out any vacant and suitable quarter and allot the same to the petitioner in terms of para No. 8 of the order dated 22-07-2019. In view of the above submission, the instant writ petition stands allowed with the direction that the respondents shall find out a vacant and suitable quarter and allot the same to the petitioner within a period of 30 days from the date of receipt of a copy of this order. There shall be no order as to cost.

JUDGE

Devananda

WAIKHOM TONEN MEITEI
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