Item No.22

IN THE HIGH COURT OF MANIPUR
AT IMPHAL

Cont.Cas(C) No.181 of 2019

Letkhomang Khongsai … Petitioner
-Versus
Jacintha Lazarus, IAS & 2 ors. … Respondents

B E F O R E
HON'BLE THE CHIEF JUSTICE MR. RAMALINGAM SUDHAKAR
HON'BLE MR. JUSTICE LANUNGSUNGKUM JAMIR

For the Appellant :: Mr. Kh.Athouba, GA
For the respondent :: Ms. Geetarani Waikhom, Advocate
Date of Order :: 03.03.2020

O R D E R

CJ,

[1] Heard Mr.Ajoy Pebam, learned counsel for the petitioner.

[2] This contempt petition has been filed stating that despite the statement made and rendered in para No.3 and 4 of the order passed in Writ Appeal No. 18 of 2019 on 01.7.2019, the respondent No.4 has been allowed to continue in the said post and thereby, there is violation of this Court's order. Para No.3 and 4 reads as follows:-

> "[3] Today when the matter was taken up, learned Advocate General appearing for the State, on instruction, reports that the services of the 4th respondent as Ex-Officio Chief Engineer-cum- OSD has not been extended beyond 30.6.2019 and therefore, the cause of action to prosecute the matter any further does not arise.
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> [4] We record the statement of the learned Advocate General that 4th respondent's service as Ex-Officio Chief Engineer-cum- OSD has not been extended beyond 30.6.2019. Therefore, no further adjudication is required in the present case as the issue has become infructous."

[3] To support the plea of contempt, Annexure-C/8 , a circular dated 2nd November, 2019 is referred to by the learned counsel for the petitioner. The 4th respondent has signed as Engineer in Chief, Water Resources Department,

Manipur.

[4] On notice, reply affidavits have been filed by the respondent No.2, the Chief Secretary (in-charge of DP), Government of Manipur on 16th January, 2020 and by the respondent No.1, Secretary, Water Resources Department, Manipur on 27.01.2020. In both these affidavits, the order of the Government dated 25th October, 2019 creating one post of Engineer in Chief and one post of Deputy Chief Engineer by the Government is shown as proof of source of power for appointing the 4th respondent to perform the duties of Engineer in Chief and therefore, it is a separate cause of action and there is no question of violating the Court's order. The order dated 25th October, 2019 reads as follows:-

"GOVERNMENT OF MANIPUR
SECRETARIAT: WATER RESOURCES DEPARTMENT

ORDERS

Imphal, the 25th October 2019

No 3/1/2018-WR (Re) Pt: The Governor of Manipur is pleased to accord sanction to the creation of 1 (one) temporary post of Engineer-in-Chief, and 1 (one) temporary post of Deputy Chief Engineer, to assist the Engineer-in-Chief, in Water Resources Department for a period of 1(one) year.

Sl No	Name of the Post	No of the Post	Scale of Pay
1.	Engineer in Chief	1	Rs. 37400- Rs 67000/- p.m
2.	Deputy Chief Engineer	1	Rs. 15600- Rs 39100/- p.m

2. The Engineer in Chief shall be responsible for the efficient functioning of the department and administratively exercise all the powers delegated by the state government from time to time. The delegation of powers and responsibilities to the Engineer-in-Chief will be issued subsequently. The Engineer in Chief will be responsible for coordination amongst the Chief Engineers.

3. This is issued with the concurrence of FD (PIC) and the Department of Personnel, Govt. of Manipur vide their UO No. 139/2019-2020/FD (PIC) dated 15-10-2019 and U.O No. 36/2019-2020/DP dated 16/10/2019 respectively.

By orders and in the name of the Governor,

(Jacintha Lazarus)
Secretary (WR),
Govt. of Manipur".

[5] A perusal of the above order make it clear that the original term as OSD cum Ex-Officio Chief Engineer post has come to an end. The 4th respondent has now taken charge on the basis of the new proceeding namely, order dated 25th October, 2019, Annexure-R/1. Hence, the contempt petition should be closed.

[6] The facts as above make it clear that the 4th respondent is holding the said post by separate proceedings. That is not the subject matter of the writ proceedings or the writ appeal. The Court order does not cover the proceedings dated 25.10.2019. In view of the same, the question of disobedience of the Court's order does not arise. Accordingly, the contempt petition stands closed.

JUDGE CHIEF JUSTICE

Opendro(rt)

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