

(2021) 01 MAN CK 0026
In the Manipur High Court
Case No : Writ Petition (C) No. 277 Of 2020

Abdul Helim Khan

APPELLANT

Vs

State Of Manipur & Anr.

RESPONDENT

Date of Decision : 13-01-2021

Acts Referred:

Citation : (2021) 01 MAN CK 0026

Hon'ble Judges : Lanusungkum Jamir, J

Bench : Single Bench

Advocate : G Pushpa, Ga, S Chitaranjan

Final Decision : Disposed Of

Judgement

Heard Mr. M. Hemchandra, learned senior counsel appearing for the petitioner as well as Mr. Sukumar, learned G.A. appearing on behalf of all the respondents.

The petitioner was initially appointed as Lecturer (English) on substitute basis. The petitioner along with others were regularized by an Order dated

21.11.1986 and the petitioner was posted at Y.K. College, Wangjing. While the petitioner was serving as Associate Professor, Modern College, he

was granted retirement on attaining the age of superannuation with effect from 28.02.2017 by an Order dated 21.02.2017.

The petitioner while in service completed his 1st Refresher Course from 30.03.2007 to 19.04.2007 from the Manipur University, which was sponsored

by the UGC. The petitioner again completed his 2nd Refresher Course from 07.12.2007 to 27.12.2007 from the Manipur University sponsored by the

UGC.

It is the case of the petitioner that as per the UGC Regulations, 2000 a Lecturer

in Senior Scale will be eligible for promotion/ placement in Selection

Grade through a procedure of selection, if she/he has:-

(a) completed 5 (five) years of service after Senior Scale.

(b) after placement in the Senior Scale, participated in two refresher courses/ summer institutes of approved during or engaged in other appropriate

continuing education programmes of comparable quality as may be specified or approved by the UGC.

(c) consistently satisfactory performance appraisal reports.

(d) a good record in teaching and, preferably, have contributed in various ways such as to the corporate life of the institution, examination work, or through extension.

Mr. M. Hemchandra, learned senior counsel for the petitioner submits that the petitioner has already completed 5 (five) years of service after senior

scale and that after being placed in the senior scale he has already participated in two refresher course and the certificate to that effect is annexed to

the present writ petition as Annexure - A/18 (colly) at page No. 86 & 87 respectively. He therefore, submits the respondents had committed a mistake

and had granted him placement in the Lecturer (SG) in the pay scale of 3700-5700 notionally with effect from 24.08.1997 and cash payment from

17.02.2014 i.e. date of completion of refresher course by an Order dated 13.12.2018 (Annexure â?" A/15 to the writ petition). He, therefore, submits

that when the petitioner has completed his 2nd refresher course on 27.12.2007, it was duty bound upon the respondents to have given him cash

payment with effect from 27.12.2007 and not 17.02.2014. He submits that the petitioner had undergone 4 (four) refresher courses and therefore, the

anomaly committed by the respondents could have been due to the submission of 4 (four) refresher course certificates.

Mr. Sukumar, learned G.A. submits that there appears to have been some anomaly while considering the case of the petitioner inasmuch as he has

completed 4 (four) refresher courses and submitted those 4 (four) certificates. He submits that the respondents would reconsider the case of the

petitioner provided that he makes an application and the respondents are given ample time to correct the anomaly.

After taking into consideration the submissions made by the learned G.A., this writ petition is disposed of directing the petitioner to make a detail

representation by annexing all required documents within a period of one week from today. Thereafter, the concerned authorities shall forthwith look

into the matter and consider the representation of the petitioner and correct the anomaly, if any, that may have occurred and pass necessary orders at

the earliest but not later than two months from the date of receipt of the representation to be made by the petitioner.

With the above observations and directions, writ petition is disposed of.

Registry is directed to furnish a copy of this order to the learned counsels appearing for all the parties.