
(2021) 05 MAN CK 0009

In the Manipur High Court

Case No : Writ Petition No. (C) No. 411 Of 2021

Angman Paris Maring

APPELLANT

Vs

State of Manipur; & Ors.

RESPONDENT

Date of Decision : 20-05-2021

Acts Referred:

Citation : (2021) 05 MAN CK 0009

Hon'ble Judges : Sanjay Kumar, J

Bench : Single Bench

Advocate : Bp Sahu, G.A

Judgement

Heard Mr. BP Sahu, learned senior counsel, appearing for the petitioner.

Notice before admission, returnable on 15.07.2021.

Mr. K. Jagat, learned Government Advocate, takes notice for respondent Nos. 1 & 2 and waives further notice. He seeks time to file a reply.

Needful shall be done by the next date of hearing with an advance copy to the counsel opposite.

Mr. Elangbam Premjit, learned counsel, states that he filed a caveat on behalf of respondent No. 3 today. As this case was filed yesterday, i.e.,

19.05.2021, the said caveat would not be operative and the learned counsel is therefore not entitled to a right of audience.

Interim order dated 13.05.2021 was passed by this Court in W.P. (C) No. 409 of 2021 to the effect that the authorities may make â??in-chargeâ??

arrangements vis-À-vis the post of Executive Engineer strictly in accordance with the Office Memorandum dated 03.10.2020, which mandates that,

in the absence of an eligible officer to fill up a particular post, the senior most person in the feeder category of the said post should be appointed to

hold the post on an "in-charge" basis. Despite the above order, the respondent authorities again issued an order on 15.05.2021 (Annexure-A/11)

transferring and posting respondent No. 3 herein as the "in-charge" Executive Engineer, Drainage and Sewerage Division, PHED, Manipur.

The Final Seniority List dated 29.01.2021 evidences that the petitioner, at Serial No. 38 thereof, is senior to respondent No. 3 at Serial No. 53. It is not

in dispute that the said seniority list has not been stayed or suspended as on date. Thus, the petitioner who is admittedly a senior, as per the said

seniority list, has been overlooked to make way for a junior.

Having put in place the mode and methodology for filling up a post on "in-charge" basis, even if it be by way of executive instructions only, it is

not open to the authorities to blithely ignore the same and pick and choose juniors of their choice overlooking seniors.

The operation of the impugned order dated 15.05.2021 (Annexure-A/11) is accordingly suspended till the next date of hearing. This order shall

however not preclude the respondent authorities from making "in-charge" arrangements vis-à-vis the post in question strictly in accordance

with the Office Memorandum dated 03.10.2020.

Post on 15.07.2021 along with W.P. (C) No. 409 of 2021.

A copy of this order shall be supplied online or through whatsapp to Mr. BP Sahu, learned senior counsel, and Mr. K. Jagat, learned Government

Advocate.