
(2021) 03 MAN CK 0052
In the Manipur High Court
Case No : Writ Petition (c) No. 319 Of 2021

Kh. Ibopishak Singh & 3 Ors.

APPELLANT

Vs

State Of Manipur & 2 Ors.

RESPONDENT

Date of Decision : 26-03-2021

Acts Referred:

Citation : (2021) 03 MAN CK 0052

Hon'ble Judges : Ahanthem Bimol Singh, J

Bench : Single Bench

Advocate : Hs Paonam, N Bipinmr. N Bipin, S Dijeshwor, A. Arunkumar, N Bipin

Judgement

Heard Mr. HS Paonam, learned senior counsel appearing for the petitioners.

Issue notice, returnable within four weeks.

Mr. H. Debendra, learned GA accepts notice on behalf of the respondents No. 1 & 2, hence, no formal notice is called for in respect of the said respondents.

Petitioner is to take steps for service of notice upon the respondent No. 3 by speed post within three days.

It has been submitted by the senior counsel appearing for the petitioners that the writ petitioners are senior to the private respondent No. 3 in the rank

of Assistant Engineer (AE) and all the petitioners as well as the private respondents were allowed to function as in-charge Executive Engineer.

While the petitioners as well as the respondent No. 3 were functioning as in-charge Executive Engineer, the authorities, without at all considering the

final seniority position of the petitioners and private respondent No. 3, issued an order dated 12.03.2021 allowing the private respondents to function as

Superintending Engineer in the PWD, Manipur.

It has been submitted on behalf of the petitioners that the impugned order has been issued in an arbitrary and discriminatory manner without at all

considering the inter-se seniority position of the petitioners and respondent No. 3 in the rank of Assistant Engineer and in complete violation of the

guidelines issued by the Government for in-charge arrangements.

It has also been submitted by the learned senior counsel appearing for the petitioners that the present impugned order had been challenged by other

persons similarly situated with the present writ petitioners by filing W.P. (C) No. 290 of 2021 in this Court and in the said writ petition, this Court

passed an order on 25.03.2021 staying the operation of the impugned order so far as the respondent No. 3 is concerned.

In view of the above, it has been prayed on behalf of the petitioners that similar interim order may be passed in the present writ petition also.

Mr. H. Debendra, learned GA prayed for granting some time for filing an appropriate counter affidavit on behalf of the respondents.

After hearing the counsel for the parties and after perusal of the records as also the earlier order passed by this Court, this Court satisfied that a prima

facie case has been out by the petitioners for passing an interim order. Accordingly, as an interim measure, it is directed that impugned order dated

12.03.2021 so far as the respondent No. 3 is concerned shall remain stayed till the next date.

List this case again on 10.05.2021.

A copy of this order be furnished to the counsel appearing for the parties through their whatsapp/e-mail.