
(2021) 01 MAN CK 0027
In the Manipur High Court
Case No : Writ Petition (C) No. 15 Of 2021

Khangembam Tarunkumar Singh

APPELLANT

Vs

State Of Manipur & 3 Ors.

RESPONDENT

Date of Decision : 13-01-2021

Acts Referred:

Citation : (2021) 01 MAN CK 0027

Hon'ble Judges : Ahanthem Bimol Singh, J

Bench : Single Bench

Advocate : N Jotendro, A Jankinath Sharmamr. A Jankinath Sharma, Murtaza Ahmed, A Jankinath Sharma, Lenin Hijam, CH Dhananjay

Judgement

Heard Mr. N. Jotendro, learned senior counsel appearing for the petitioner.

Issue notice, returnable within 3 weeks.

Ms. Tej Priya, learned counsel accepts notice on behalf of the respondents No. 1, 2 & 3 and hence, no formal notice is called for.

Petitioner is to take steps for service of notice upon the respondent No. 4 by speed post within 3 days.

It is submitted by Mr. N. Jotendro, learned senior counsel that the petitioner is now working as Sub-Registrar, Cooperative Societies and he is being

posted in the Imphal West. While he was working as such, the Government issued the impugned transfer order dated 07.01.2021 allowing the private

respondent to hold the charge of DCO, Imphal West.

It is submitted that the private respondent is substantively holding the post of Inspector, Cooperative Societies and in between Inspector, Cooperative

Societies and DCO there is a post of Sub-Registrar of Cooperative Societies. As per the relevant rules, the feeder post to the post of DCO is the Sub-

Registrar and the private respondent is not at all eligible for the post of DCO. However, in the guise of a transfer order, the private respondent has been allowed to function as DCO on in-charge basis and had been placed above the petitioner and the petitioner has been compelled to work under a subordinate officer.

It is the case of the petitioner that the petitioner is not only senior to the private respondent but it is also one grade above the private respondent and moreover, the private respondent is not at all eligible and qualified to hold the post of DCO. The learned senior counsel has also pointed out that under the Office memorandum dated 03.10.2020, issued by the Government of Manipur, it is provided that only the eligible and Senior-most Officer should be allowed to function on in-charge basis if the need arises. In the present case the Government has issued the impugned transfer order and allowed the private respondent, who is not eligible and who is a Subordinate Officer and much junior to the petitioner, to function as in-charge DCO and placed above the petitioner in violation of the guidelines provided under the Office Memorandum dated 03.10.2020, which is impermissible.

Accordingly, the learned senior counsel prayed for staying the impugned order dated 07.01.2021 in respect of the private respondent.

Ms. Tej Priya, learned counsel appearing for the respondents No. 1, 2 & 3 prayed for granting her some time to get proper instructions from the Government.

As prayed for, list this case again on 12.02.2021 and in the meantime, the impugned order dated 07.01.2021, so far as the private respondents No. 4 is concerned, shall remain suspended.

Registry is directed to reflect the name of Mr. Lenin Hijam, learned Addl. AG as counsel for the State respondents in the cause list.

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