

(2005) 01 GAU CK 0048
In the Gauhati High Court

Maibam Prabhahini and Ors.

APPELLANT

Vs

State of Manipur and Ors.

RESPONDENT

Date of Decision : 31-01-2005

Acts Referred:

Citation : (2005) 01 GAU CK 0048

Hon'ble Judges : T.Nanda kumar Singh, J

Bench : Single Bench

Advocate : Th.Modhu Singh, R.S.Reisang, Advocates appearing for Parties

Judgement

Heard Mr. Th. Modhu Singh, learned counsel appearing for the petitioners and Mr. R.S. Reisang, learned Addl. G.A. appearing on behalf of the state respondents.

The learned counsel for the petitioners submits that the present writ petitioners are the casual/muster roll employees of the Public Health Engineering Department (for short PHED), Government of Manipur and they have been discharging their duties sincerely and efficiently since their engagement till date continuously. But the concerned authority of the PHED, Govt. of Manipur failed to pay the wages regularly. Thus, the petitioners have not been paid their back wages. In this regard, Mr. Modhu Singh, learned counsel for the petitioners submits that in January, 2000 the Chief Engineer, PHED had called reports or information about the back wages to be paid to the casual workers including the present petitioners from all the concerned Executive Engineers. In pursuance of the said letter of the Chief Engineer, PHED, Govt. of Manipur, the Executive Engineer concerned had submitted the report about the back wages of the casual employees including the petitioners. In the said report of the Executive Engineer, it is clearly mentioned the number of working days for which the concerned department had failed to pay the wages to the casual workers. The learned counsel for the petitioners draws my attention to one of the reports of the Executive Engineer, Water Supply Store ? Division, PHED, Manipur dated 27/1/2000 (AnnexureA/1 to the writ petition) to the Chief Engineer?, PHED, Manipur. In the said report of the Executive Engineer dated 27/1/2000, the name

of the petitioner No.1, Maibam Prabhahini, appears at Sl. No.16 and as per the report, the petitioner has not been paid wages for 14 months amounting to Rs.22,414/. Again, the year 2002 also, the Chief Engineer, PHED, Manipur called reports from all the Executive Engineers, about the backlog wages of casual workers including the present petitioners and in the year 2002 also Executive Engineer, Mechanical & Electrical Division, PHED, Manipur submitted report dated 17/10/2002 (AnnexureA/4(I) to the writ petition). In that report the name of the petitioner No.1 appears at Sl. No.8. And similarly in another report submitted by the Executive Engineer, Imphal East PHE Divn., PHED, Manipur dated 25/10/2002 (AnnexureA/4(2) to the writ petition) to the Chief Engineer, PHED, Manipur about the backlock wages of the Casual employees, the name of petitioner No.4, Shri M. Basanta, appears at Sl. No.5 and the name of petitioner No.2, Shri N. Kanta Singh, appears Sl. No.9 respectively. In that report, it is clearly mentioned about the backlog wages to be paid to the petitioners, and in another report submitted by the Executive Engineer, Water Supply Maintenance, Divn No.I dated 20/22/2002 (AnnexureA/4(3) to the writ petition) to the Chief Engineer, PHED, Manipur about the backlog wages of the casual employees, the names of petitioners 8 and 3, Md. Samu and N. Numita Devi, appear at Sl., Nos. 13 and 14 respectively. In another report dated 17/10/2002 (AnnexureA/4(5) to the writ petition) to the Chief Engineer, PHED, Manipur about the backlog wages of casual employees including the petitioners, the name of petitioner No.7, Shri Kh. Arunkumar Singh, appears at Sl. No.7. The further case of the petitioners is that two of the casual employees whose names appear at Sl. Nos. 9 and 10 in the report of the Executive Engineer, Water Supply Store? Division, PHED, Manipur dated 27/1.2000 (AnnexureA/1 to the writ petition) to the Chief Engineer?, PHED, Manipur had approached this court by filing a writ petition being W.P.(c) No.1954 of 2001 for a direction to the respondents to make payment of back wages for the period mentioned in the said report of the Executive Engineer. The said writ petition had finally heard and disposed of by this court by passing judgment and order dated 11/2/2002 with the direction to the respondents that ? respondents to make payment of the arrear/back wages for these petitioners for the period from 28/11/97 till date in respect of the petitioner Nos. 1 & 2 and, for the period from 25/6/99 as on today in respect of the petitioner No.3 within a period of 3(three) months from the date of receipt of this order.? The learned counsel for the petitioners submits that the petitioners of the said W.P.(c) No.1954 of 2001 are similarly situated with the present writ petitioners inasmuch as their names are appeared in the similar manner in the report of the Executive Engineer. In this regard, Mr. Reisang, learned G.A. submits that inspite of the necessary reports submitted by the concerned Executive Engineers to the Chief Engineer, PHED, Manipur about the backlog wages of the petitioners, the Govt. is not in a position to pay the backlog wages to the petitioners because of financial crunch. The learned counsel for the petitioners submits that the back wages of the casual employees like the present petitioners cannot be denied only because of the financial crunch, and therefore, he prays that this writ petition may be disposed of in the manner this court had disposed of the said writ petition W.P.(c)

No.1954 of 2001.

After considering the submissions of the learned counsel for the petitioners as well as the submissions of the learned counsel for the respondents, I am of the considered view that this writ petition could be disposed of in the manner this court had disposed of the said W.P.(c) No.1954 of 2001. The learned counsel for the petitioners further submits that in compliance of the judgment and order ,passed on 11/2/2002 by this court in W.P.(c) No.1954 of 2001, the Govt. of Manipur had already paid the back/arrear wages to the writ petitioners of the said writ petition W.P.(c) No.1954 of 2001. In such circumstances, I am also of the considered view that this writ petition could be disposed of in the manner this court had disposed of the writ petition W.P.(c) No.1954 of 2001. Accordingly this writ petition is disposed of with the direction to the respondents to pay the arrear/back wages to the petitioners for the period mentioned in the said report of the concerned Executive Engineer within a period of three months from the date of receipt of this order.

Further, it is made clear that the concerned authority shall verify the matter once again so that there will be no further litigations amongst the parties in the decision in the years to come. Further, it is also directed that the respondents shall pay the wages to the petitioners for the period they have worked and their wages should be paid regularly if they continue to work. It is also made clear that their back wages should be paid within a period of 3(three) months and the respondents shall continue to pay the wages of the petitioners if they continue to work continuously as soon as the CD is released. The learned counsel for the petitioners submits that the petitioners are still working and in this regard, the Executive Engineer had already submitted report to the Chief Engineer, PHED, Manipur.

With the above observations and directions, this writ petition is disposed of. No costs.