
(2021) 02 MAN CK 0061
In the Manipur High Court
Case No : Writ Petition (C) No. 142 Of 2021

Md Nasir Khan

APPELLANT

Vs

State Of Manipur & 3 Ors.

RESPONDENT

Date of Decision : 16-02-2021

Acts Referred:

Citation : (2021) 02 MAN CK 0061

Hon'ble Judges : Ahanthem Bimol Singh, J

Bench : Single Bench

Advocate : Ajoy Pebam, L Rojeshon, Lenin Hijam

Judgement

Heard Mr. Ajoy Pebam, learned counsel appearing for the petitioner.

Issue notice, returnable within 4 weeks.

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

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

The learned counsel appearing for the petitioner prayed for passing an interim order suspending operation of the impugned transfer order. In support

of this prayer, it is submitted by the learned counsel that the petitioner is now working as Sub-Registrar Cooperative Societies and he is presently being

posted at Jiribam, DCO Office. While the petitioner is working as such, the Government issued the impugned transfer order dated 2.2.2021 allowing

the private respondent to hold the charge of DCO, Jiribam.

It is submitted that the private respondent is substantively holding the post of inspector, cooperative societies and in between the inspector cooperative

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

is the Sub-Registrar and the private respondent, who is an inspector, 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 he had been placed

above the petitioner and the petitioner has been compelled to work under a Subordinate Officer.

It is submitted that the petitioner is not only senior to the private respondent but his is also one grade above the private respondent. Moreover, the

private respondent is also not eligible and qualified to the post of DCO.

By drawing the attention of this Court to the office memorandum dated 3.10.2020, the learned counsel for the petitioner submitted that only eligible

and senior most officer should be allowed to function on in-charge basis if there is requirement of allowing or posting an incumbent to hold the charge

of DCO, Jiribam.

The learned counsel for the petitioner vehemently submitted that in the present case the Government had issued the impugned transfer order and

allowed the private respondent, who is not eligible and who is a subordinates Officer to the petitioner, to function as in-charge DCO and placed above

the petitioner in violation of the guidelines provided under the aforesaid office memorandum dated 3.10.2020 in a most arbitrary manner.

Accordingly, the counsel for the petitioner prayed for passing an interim order suspending the operation of the said impugned transfer order.

On the other hand, Ms Tejpriya, learned counsel appearing for the respondents No. 1, 2 & 3 prayed for granting some time to get proper instructions

from the Government.

As prayed for, list this case again on 18.03.2021.

After hearing the counsel appearing for the parties and on perusal of the records, this Court is of the tentative view that a prima facie case has been

made out by the petitioner for passing an interim order.

Accordingly, as an interim measure, it is directed that the impugned order dated 2.2.2021 in so far as it concerns the private respondent shall not be

given effect to till the next date.

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