
(2022) 06 MAN CK 0020
In the Manipur High Court
Case No : Writ Petition (C) No. 417 Of 2022

Moirangthem Biren Singh

APPELLANT

Vs

State Of Manipur & 3 Ors

RESPONDENT

Date of Decision : 08-06-2022

Acts Referred:

Citation : (2022) 06 MAN CK 0020

Hon'ble Judges : Ahanthem Bimol Singh, J

Bench : Single Bench

Advocate : M. Hemchandra, A. Vashum

Judgement

Ahanthem Bimol Singh, J

[1] Heard Mr. M. Hemchandra, learned Senior counsel appearing for the petitioner.

[2] Issue notice returnable within three weeks.

[3] Mr. A. Vashum, learned GA accepts notice on behalf of the respondent Nos. 1, 2 & 3 and hence, no formal notice is called for in respect of the said respondents.

[4] Petitioner is to take steps for service of notice upon the respondent No. 4 by speed post within one week.

[5] The case of the petitioner is that the Executive Engineer, Division -II, Education Engineering Wing (EEW) Government of Manipur issued an order dated 07-03-2018 allotting the contract work for 'Upgradation of Government Aided Tenthia High School to Government Higher Secondary School, Thoubal District, Manipur' in favour of the petitioner. While the petitioner was executing the said contract work, the Executive Engineer, Division-II, Education Engineering Wing (EEW), Education (S) Department, Manipur issued an order dated 05-06-2018 cancelling the aforesaid work order on the ground of technical mistake in the process of tender. The petitioner approached this Court assailing the said cancellation order. On the interference of this Court, the said cancellation order

has been revoked by the authorities. Thereafter, the Executive Engineer, Division-II, Education Engineering Wing (EEW), Government of Manipur issued another order dated 22-04-2022 cancelling again the aforesaid work order issued in favour of the petitioner on the ground that there was delay in executing the contract work. The said cancellation order dated 22-04-2022 was again assailed by the present petitioner in WP(C)No. 317 of 2022 before this Court.

[6] After hearing the learned counsel appearing for the parties, this Court passed an interim order dated 11-05-2022 suspending the operation of the said cancellation order dated 22-04-2022.

[7] The grievance of the petitioner is that the respondents issued another order dated 06-05-2022 allotting the balance work for 'Upgradation of Government Aided Tentha High School to Government Higher Secondary School, Thoubal District, Manipur' in favour of the private respondent No. 4 and that the said work order is a back dated order.

[8] Mr. M. Hemchandra, learned Senior counsel appearing for the petitioner submitted that since this Court had already passed an order suspending the cancellation order dated 22-04-2022, it is not opened to the State authorities to issue the impugned work order dated 06-05-2022 and accordingly, the learned Senior counsel prayed for passing an interim order staying the said impugned work order dated 06-05-2022.

[9] Mr. A. Vashum, learned GA appearing for respondent Nos. 1-3 submitted that the impugned work order had been issued by the authorities before this Court passed interim order dated 11-05-2022 and accordingly, the authorities had issued the work order after following due process and in order to complete the remaining work of the said contract work. The learned GA submitted that the respondents have not committed any illegality in issuing the said impugned work order.

[10] After hearing the rival submissions of the learned counsel appearing for the parties, this Court is of the considered view that since this Court had passed an order suspending the operation of the order dated 22-04-2022 by which the work order issued in favour of the petitioner had been cancelled, it is not opened to the State authorities to issue the impugned work order dated 06-05-2022 and accordingly, as an interim measure and till the next date, it is hereby ordered that the said impugned work order dated 06-05-2022 shall remain suspended.

[11] Mr. A. Vashum, learned GA is also directed to produce the relevant Government file connected with the issuance of the impugned work order dated 06-05-2022 and place it before this Court on or before the next date.

[12] As prayed for, list this case again on 12-07-2022.

[13] A copy of this order be furnished to both the counsel appearing for the parties through their WhatsApp/email for doing the needful.