
(2006) 02 GAU CK 0053
In the Gauhati High Court

Wikhom Joychandra Singh

APPELLANT

Vs

State of Manipur and Anr.

RESPONDENT

Date of Decision : 23-02-2006

Acts Referred:

Citation : (2006) 02 GAU CK 0053

Hon'ble Judges : M.B.K.Singh, J

Bench : Single Bench

Advocate : Jalal Uddin, Y.Nirmolchand, Advocates appearing for Parties

Judgement

1. Heard Mr. Y. Nirmolchand, learned counsel appearing on behalf of the petitioner and Mr. Jalaluddin, learned Addl. Government Advocate appearing on behalf of the respondents.

2. According to the petitioner, on completion of two years continuous service as a substitute Science Undergraduate Teacher in Thiulon Jr. High School, Tamenglong, on the recommendation of the Screening Committee held on 29.8.94 and 30.8.94 and with the approval of the Governor under letter No. 4 (ii)/3/91SE(S) Pt. dated 17.6.95, he was regularly appointed as an Assistant Science Undergraduate teacher vide order dated 3.2.2004. The petitioner's grievance is that though he has been discharging his official duty, he has not been paid his monthly salary since October, 2004 purportedly on the ground of non completion of verification of service records.

3. The learned Addl. Government Advocate submits that not only in the case of the petitioner but also in respect of many other teachers, monthly salaries are not paid due to non completion of on going verification of service records of the said teachers. The learned Addl.G.A. cannot say anything if there is any formal order passed by any competent authority under any provisions of law or statutory rules for withholding monthly salary of the petitioner. 4. On the basis of the materials before the Court, it is ascertained that on 30.11.04, the S.P. (Vigilance), Manipur, vide message No. 95/PE/SPV/ 04/2639 called for initial

appointment orders and Service books of the writ petitioner and others from Headmasters of Chingai and Eastern Christian High Schools purportedly in connection with case No. 95/PE/SPV/ 04. Accordingly, the initial appointment orders and Service Book of the petitioner and others were submitted on 4.12.04. On 7.2.05, Zonal Education Officer, Ukhrul Govt. of Manipur wrote a letter being No. 2/12/03ZEO (Ukl) to the Additional Director of Education (S), Govt. of Manipur informing to the effect that due to refusal on the part of the Dy.Commissioner, Ukhrul to put counter signature on the pay bills of 5 Assistant Teachers including the writ petitioner, pays of the said teachers for the month of October, November, December, 2004 and January, 2005 could not be released and disbursed. In the said letter, the Z.E.O. Ukhrul made a request to ask to the Dy.Commissioner, Ukhrul, to put his counter signature on the pay bills of the said Assistant Teachers and Duty Certificates given by Village Chairman, representation of the said teachers were also purportedly forwarded to the Addl. Director of Education(S), Govt. of Manipur as enclosure of the said letter. Thereafter, on 29.10.05, the Director of Education(S), Govt. of Manipur wrote a letter being No. 2/95Vig/05EO(S) to the SP (Vig) informing if pays of the said teachers were to be released or not. In connection with the said letter, the SP (Vig) gave his reply being No. 95/PE/SPV/04, dated 7.11.05 stating to the effect that his office only wanted to know the position of the teachers and that his office never mentioned for holding up the salaries of the teachers. Keeping in view the above said back ground and having regards to the failure on the part of the respondents to inform this Court about the existence of any formal order for withholding the monthly salary of the petitioner, this Court is of the view that there is no any formal order passed by any competent authority for withholding the monthly salary of the petitioner.

5. Since there is no any formal order passed by any competent authority under any provisions of law for withholding the monthly pay of the petitioner, who has been discharging his official duty, withholding of his monthly pay amounts to deprivation of his livelihood without due process of law. At the same time, the petitioner is being deprived of his property without sanction of law. Such actions of the respondents are not warranted by law.

6. In the result, the prayer is allowed. The respondents are directed to take all the necessary steps so that the petitioner is paid his due salaries within a period of one month from today. The learned Addl. Government Advocate is to take necessary steps for informing the respondents about this direction of the Court. 2(two) copies of this order are to be furnished to the learned Addl. G.A. for enabling him to take necessary steps.

7. With this, this writ petition stands disposed of.