

Suppl. item No. 1

IN THE HIGH COURT OF MANIPUR

AT IMPHAL

WP(C) No. 56 of 2019

Mainam Rajen Singh

..... Petitioner

-Versus-

State of Manipur

..... Respondents

BEFORE

HON'BLE MR. JUSTICE LANUSUNGKUM JAMIR

ORDER

(ORAL)

29-01-2019

Heard Mr. Ng. Jotindra Luwang, learned counsel for the petitioner as well as Mr. Sukumar, learned GA appearing for the respondents No. 1 & 2.

[2] The petitioner was initially appointed as Revenue Officer in the Thoubal Municipal Council and thereafter, on the recommendation of the Departmental Promotion Committee (DPC) the petitioner was promoted to the post of Assistant Executive Officer of Thoubal Municipal Council, Thoubal by an order dated 28-10-2005. The service of the petitioner was absorbed as Assistant Executive Officer in the Department of MAHUD by an order dated 2-11-2016. Thereafter, the petitioner was transferred and posted as Executive Officer at Jiribam Municipal Council from the Directorate of MAHUD by an order dated 6-7-2017. The petitioner by another order dated 4th September, 2018 was again transferred as In-charge Executive Officer to Wangoi Municipal Council from Jiribam

Municipal Council. Within a few months, the petitioner was again transferred to Heirok Nagar Panchayat from Wangoi Municipal Council by an order dated 7-1-2019.

[3] The case of the petitioner is that he has been frequently posted on transfer without any rhyme and reasons thereby, disturbing his family as well as his routine official works. Further, the case of the petitioner is that the Department of Personnel and Administrative Reforms (Personnel Division), Government of Manipur has issued an Office Memorandum dated 24th July, 1982 with regard to transfer and the relevant portion reads as under:

“4. Keeping in view the above facts, the Government have now decided to issue the following instructions:

- i. Normally, no employee should be kept in a post for more than 3 years. Similarly, no transfers may be effected unless the concerned persons has completed about 3 years in a post, unless there are compelling reasons to do so;**
- ii. Transfers should normally be effected in April/May just after completion of the financial year so that disruption of work is norminal, transfers during the remaining months of the year should be resorted to in exceptional cases;**
- iii. Any government servant who brings or attempts to bring any political other outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to service under Government including transfers should be punished as provided as under Rule 20 of the Conduct Rules, pending such action, an adverse entry will be recorded in the A.C.R dossier of the officers under intimation to him without it being necessary to give any opportunity to the officer to explain his conduct;**
- iv. Government employees and their relations should not approach the Ministers without taking prior permission from their respective Heads of Departments.**

[4] It is the case of the petitioner that in terms of the OM dated 24th July, 1982, transfer of the petitioner affected by the order dated 7-1-2019 requires to be reconsidered. Being aggrieved, the petitioner has also made a representation dated 17th January, 2019 before the Secretary, MAHUD, Government of Manipur requesting to reconsider his transfer. However, the said representation is still pending for consideration till date.

[5] Considering that the representation of the petitioner dated 17th January, 2019 is still pending before the Secretary, MAHUD, Government of Manipur/respondent No. 1, the present writ petition is disposed of with a direction to the respondent No. 1 to consider and dispose of the representation dated 17-01-2019 filed by the petitioner by taking into consideration the OM dated 24-7-1982 within a period of two weeks from the date of receipt of this Court's order.

[6] It is also made clear that till the representation of the petitioner is considered and disposed of, the operation of the order dated 7-1-2019 in respect of the petitioner shall remain suspended.

With the above observations and directions, the present writ petition stands disposed of.

Registry to furnish a copy of this order to the learned counsel for the petitioner and to Mr. Sukumar, learned GA for the State respondents during the course of the day.

JUDGE

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