

**IN THE HIGH COURT OF MANIPUR  
AT IMPHAL**

**W.P.(C)No. 675 of 2015**

Longjam Bihar Singh aged about 62 years old, S/o (L) L. Tolhal Singh, a resident of Thiyam Leishangkhong, P.O. & P.S. Wangoi, Imphal West District, Manipur.

....*Petitioner*

- Versus -

1. The State of Manipur represented by its Principal Secretary (Edn/S) Government of Manipur.
2. The Commissioner (Finance), Government of Manipur.
3. The Director of Education (S), Government of Manipur.
4. The Director of Local Fund Audit, Manipur.

...*Respondents*

**BEFORE  
HON'BLE THE CHIEF JUSTICE MR. RAMALINGAM SUDHAKAR**

For the petitioner	:	Ms. M. Punam, Advocate
For the respondents	:	Mr. S. Nepolean, Govt. Advocate
Date of hearing & order	:	31.05.2019

**ORDER**

[1] Heard Ms. M. Punam, learned counsel appearing for the petitioner and Mr. S. Nepolean, learned G.A. appearing for the respondents.

[2] Prayer in the writ petition reads as follows :

“(ii) Issue a writ in nature of certiorari or mandamus or any other appropriate writ of the like nature for quashing and setting aside the order dated 30.05.2015 thereby granting Trained Senior

Scale of Pay w.e.f. 07.09.2011 which is against the decision taken by the Government vide convey letter dated 02.05.2001 issued by the Deputy Secretary (Edn/S), Government of Manipur and further direct to restore the order dated 06.04.2015 issued by the Director of Education (S), Manipur on the recommendation made by the Technical Committee in its meeting held on 11.03.2015 as the same has been issued by following the convey letter dated 02.05.2001 like other similarly situated persons in whose favour the Director of Education (S), Manipur has issued their time scale of pay w.e.f. the date on completion of 12 (twelve) years within a reasonable stipulated period as the petitioner is already retired as Graduate Teacher without declaring Trained Graduate Teacher though he is a Trained Graduate Teacher and extend the benefits like other similarly situated Trained Graduate Teachers w.e.f. the date of the eligibility of the Trained Graduate Teacher notionally as the petitioner enjoyed the adhoc pay scale of the Headmaster of Junior High School w.e.f. 07.10.1989 till the date of retirement vide an order dated 15.01.1997 in compliance of the order dated 16.07.1996 in C.R. No. 491 of 1996.”

[3] The impugned order dated 30.05.2015 reads as follows :

“GOVERNMENT OF MANIPUR  
DIRECTORATE OF EDUCATION (S)

O R D E R S

Imphal, the 30<sup>th</sup> May, 2015

No. 18/3/2013-ED(S)(A) : On the recommendation of the Technical Committee in its Review Meeting held on 30/05/2015 and in pursuance of the approval of the Government conveyed vide letter No. 54/2/2013-SE(S)Pt. dated 30/05/2015, 352 (three hundred fifty two) Lecturers/Teachers as listed in the Annexures detailed below are hereby allowed to enjoy different categories of time scale of pay with effect from the dates indicated against each of them :

i) Lecturers (Senior Scale)	-	91 (Annexure-A)
ii) Graduate Teachers (Senior Scale)	-	3 (Annexure-B)
iii) Graduate Teachers (Trained scale)	-	8 (Annexure-C)
iv) Graduate Teachers (Trained Senior Scale)	-	114(Annexure-D)
v) Primary Teachers (Senior Scale)	-	86 (Annexure-E)
vi) Matriculate Teachers (Senior Scale)	-	32 (Annexure-F)
vii) Hindi Matriculate Teachers (Senior Scale)	-	18 (Annexure-G)

<b>Total</b>	<b>352</b>
--------------	------------

2. The recommendation of the Technical Committee was made in pursuance of the stipulations contained in Government Office Memorandum issued vide O.M. No. 54/2/2013-SE(S) dated 26/02/2015 issued with concurrence of the Finance Department vide U.O. No. 183/201402015/FD(PIC) dated 30/12/2014.

3. Fixation of the enhanced scale of pay shall be made as per relevant rules under different ROPs and specific instructions issued by the Finance Department, Manipur from time to time.

Sd/-  
(N. Praveen Singh)  
Director of Education (S)”

[4] By the impugned order, lecturer and teachers as listed in the Annexure were granted benefit of time scale of pay which is challenged by the petitioner. He seeks to restore the earlier order dated 06.04.2015 issued by the Director of Education (S), Government of Manipur.

[5] The sum and substance of the case is that the impugned proceeding dated 30.05.2015 thereby granting trained senior scale of pay w.e.f. 07.09.2011 is contrary to the earlier decision taken by the Government letter dated 02.05.2001 issued by the Deputy Secretary (Edn./S), Government of Manipur. He pleads that the earlier order dated 06.04.2015 issued by the Director of Education (S), Government of Manipur should be restored and consequential benefits should be given. In this regard, the petitioner has made a representation dated 10.04.2008 (Annexure – A/8) to the Additional Director of Education (S), Government of Manipur. However the same has not been considered by the authority so far.

[6] Since the representation has not been considered by the authority concerned, Mr. S. Nepolean, learned G.A. appearing for the respondents states that Court may direct to the respondent Department to consider the case of the petitioner on its own merits. Thereafter, if the petitioner is still aggrieved, liberty may be given to the petitioner to work out remedy in accordance with law.

[7] In the light of the above stand of the respondents and taking

note of the fact of the case, writ petition is disposed of by directing the petitioner to make a representation to respondents authority within a period of 4 (four) weeks from the date of receipt of a copy of this order. The respondents authority will consider the claim of the petitioner on its own merits expeditiously preferably within a period of 8 – 12 weeks thereafter.

[8] Writ petition is disposed of as above.

**CHIEF JUSTICE**

**FR/NFR**

*bipin*

Digitally signed by MAYANGLAMBAM CHANU  
NANDINI  
DN: c=IN, o=Personal,  
2.5.4.20=4ea8a29622a8363b44203ad5e0c1fa  
c51134c038913d395f8e2d6903ed6c2b14,  
postalCode=795001, st=MANIPUR,  
serialNumber=8b667465dcba40ca31e9d9ea  
b9f7db9162bac50f8cb564c90d50af3ec90fb3b  
d, cn=MAYANGLAMBAM CHANU NANDINI  
Date: 2019.06.01 14:24:44 +05'30'