

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

**W.P. (C) No. 424 of 2020**

1. Mr. A.S. Peter, aged about 63 years, S/o (Late) Shri A.S. Lungrei, resident of Kuingai Village, P.O. Ukhrul, P.S. Chingai, Ukhrul District, Manipur – 795142.
2. Mr. L. Wungayung, aged about 54 years, S/o (Late) Shri L. Lazarus, resident of Saikhor Village, P.O. & P.S. Ukhrul, Ukhrul District, Manipur – 795142.

..... **Petitioners**

- Versus -

1. The State of Manipur represented by the Principal Secretary (PHED), Government of Manipur, Secretariat, Babupara, P.O. & P.S. Imphal, Imphal West District, Manipur – 795001.
2. The Chief Engineer, PHED, Government of Manipur, Khoyathong, P.O. & P.S. Imphal, Imphal West District, Manipur. - 795001.
3. The Superintending Engineer, Circle Division V, PHED, Government of Manipur, Khoyathong, P.O. & P.S. Imphal, Imphal West District, Manipur – 795001.

.... **Respondents**

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

**24.07.2020**

[1]                Heard Mr. Aaron Keishing, learned counsel appearing for the petitioners and Mr. S. Napoleon, learned Government Advocate for the State respondents.

[2]                The grievance of the petitioners is that they belong to Scheduled Tribe community and working as Grade-IV employee of Ukhrul PHE Department, Government of Manipur. These two writ petitioners claim

that they have been sincerely and diligently working under respondent No. 3. The respondent No. 3 has not paid the monthly salary payable to the petitioners. Similarly, they quote example of 21 other employees who are also deprived of their monthly salary but they are not before this Court.

[3] It is alleged that non-payment of salary after taking their hard labour infringes the constitutional right. Besides, the respondent No. 3 is acting in a discriminatory, arbitrary and bias manner against the writ petitioners. According to the petitioners, a sum of Rs. 5 Lakh is due payable to them. The writ petition has been filed for a direction to pay the salary.

[4] When a specific question was asked to the counsel for the petitioners as to whether a specific legal notice has been issued by the counsel, Mr. Aaron Keishing to the respondent No. 3 on behalf of the petitioners demanding wages or salary as the case maybe from the respondent No. 3, to which, he said that no such demand was made.

[5] It is trite law that the Mandamus can be issued only when there is a demand and refusal by the respondent/authority concerned. In this case, there appears to be no such demand or a legal notice to the respondent No. 3 or to any other competent authority.

[6] In such view of the matter, the Court is inclined to give liberty to the petitioners to make a detailed demand in their own names or through their legal counsel to the competent authority from whom they claim payment of salary and on such notice or demand, the authority may consider the same and respond in an appropriate manner in accordance with law. If the

petitioners make a written demand with proper acknowledgment to the competent authority, the respondent authority shall duly consider and dispose of such claim on merits by a detailed speaking order within a period of six to eight weeks thereafter.

With the above direction, the writ petition stands disposed of.

CHIEF JUSTICE

*Sandeep*

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