

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

WP(C) No. 469 of 2020

Shri Sagolsem Achoubi Singh.

...Petitioner

- Versus -

State of Manipur & 2 Ors.

...Respondents

(VIDEO CONFERENCE)

**B E F O R E
HON'BLE MR. JUSTICE KH. NOBIN SINGH**

ORDER

30-11-2021

[1] Heard Shri I. Lalitkumar, learned Senior Advocate appearing for the petitioner and Shri Shyam Sharma, learned Government Advocate appearing for the respondents.

[2] The validity and correctness of the order dated 2-3-2019 issued by the Under Secretary (DP), Government of Manipur is under challenge in this writ petition.

[3] According to the petitioner, when he was not promoted to the post of MCS Grade-II, he approached the Hon'ble High Court by way of writ petition being WP(C) No. 795 of 2000 wherein the interim order dated 15-6-2001 was passed by the Hon'ble High Court directing the concerned authority to consider the case of the petitioner for promotion with effect from 19-1-1998. The said interim order was not objected to by the respondents nor was an appeal preferred against the said order. However, the said order was not complied with by the concerned authority.

[4] Two writ petitions being WP(C) No. 229 of 2016 and WP(C) No. 301 of 2016 came to be filed which were pending at the relevant time, although the same had been disposed of as of now. While filing the instant writ petition, the petitioner craved leave of this Court to refer to and rely upon the averments made therein. The Deputy Secretary (DP), Government of Manipur issued an order dated 16-4-2016 by which the service of the petitioner was terminated w.e.f. 30-4-2016 on attaining the age of superannuation while holding the post of the Director (Printing & Stationery), Government of Manipur. The petitioner submitted a representation dated 30-11-2018 to the Chief Secretary, Manipur in connection with the deprivation of the MCS Selection Grade and also with the non-compliance with the earlier order dated 15-6-2001.

[5] The Under Secretary (DP), Government of Manipur issued an order dated 2-3-2019 allowing the petitioner for retrospective promotion to the post of MCS Selection Grade w.e.f. 29-4-2016 as one time measure. Being aggrieved by the said order, the petitioner submitted a representation dated 27-5-2019 requesting the Chief Secretary, Manipur that the qualifying service of fourteen years as per the MCS Rules, 1965 for promotion to MCS Selection Grade ought to be counted from 1998 in compliance with the order dated 15-6-2001 passed by the Hon'ble High Court. After considering the qualifying of fourteen years as per the MCS Rules, 1965, the effective date for promotion to MCS Selection Grade fell in the year 2012 but the petitioner was granted promotion w.e.f. 29-4-2016 only.

[6] Being aggrieved by the said order dated 2-3-2019, the instant writ

petition was filed by the petitioner questioning it.

[7] An affidavit-in-opposition was filed on behalf of the respondents stating therein that in terms of the order dated 15-6-2001, a review DPC was held but the claim of the petitioner was rejected. As per the State Cabinet decision dated 15-1-2019, the order dated 2-3-2019 was issued granting retrospective promotion w.e.f. 29-4-2016. The claim made by the petitioner in WP(C) No. 725 of 2008 was turned down as devoid of merit because of which the order passed therein had attained finality.

[8] When the matter is taken up for consideration, it has been submitted by the learned counsel appearing for the petitioner that the instant writ petition can be disposed of by issuing an innocuous order and accordingly, the instant writ petition stands disposed of with the direction that the respondents shall consider and dispose of the representation dated 27-5-2019 submitted by the petitioner within a period of one month from the date of receipt of a copy of this order by issuing a speaking order in respect thereof.

JUDGE

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