

IN THE HIGH COURT OF MANIPUR

AT IMPHAL

W.P. (C) No. 88 of 2023

1. **R.K. Naba Singh**, aged about 60 years, S/o (Late) R.K. Sanatomba Singh of Thoubal Achouba, P.O. & P.S. Thoubal, Thoubal District, Manipur, 795138.
2. R.K. Dalimkumar Singh, aged about 60 years, S/o R.K. Sanayaima Singh of Kongpal Kongkham Leikai, P.O. & P.S. Porompat, Imphal East District, Manipur-795005.
3. K. Jugeshwar Singh, aged about 60 years, S/o K. Bino Singh of Brahmapur Bheigyabati Leikai, P.O. & P.S. Porompat, Imphal East District, Manipur – 795005.
4. O. Sorodhoni Devi, aged about 59 years, D/o O. Dhananjoy Singh of Singjamei Thongam Leikai, P.O. & P.S. Singjamei, Imphal West District, Manipur – 795008.
5. Ch. Ranjit Singh, aged about 59 years, S/o (Late) Ch. Gouramohon Singh of Wabagai College Line, P.O. Kakching, P.S. Hiyanglam, Kakching District, Manipur – 795103.
6. E. Rajen Singh, aged about 59 years, S/o (Late) E. Rajbapu Singh of Hiyanglam Awang Leikai, P.O. Kakching, P.S. Hiyanglam, Kakching District, Manipur – 795103.
7. Bareda Begum, aged about 56 years, D/o (Late) Noor Jaman of Amakcham Awang Leikai, P.O. & P.S. Thoubal, Thoubal District, Manipur-795138.
8. Kh. Bimol Singh, aged about 58 years, S/o Kh. Meina Singh of Haokha Maning Leikai, P.O. & P.S. Thoubal, Thoubal District, Manipur – 79138.
9. Md. Jahuruddin Shah, aged about 57 years, S/o Md. Sarafuddin of Kiyamgei Awang Leikai, P.O. Canchipur, P.S. Irilbung, Imphal East District, Manipur – 795008.
10. R.K. Sanatomba Singh, aged about 57 years, S/o (Late) R.K. Sanayaima Singh of Nameirakpam Leikai Thongju Part – II, P.O. & P.S. Singjamei, Imphal East District, Manipur-795008.

11. N. Brojen Meetei, aged about 57 years, S/o (Late) N. Tharojao Meitei of Keishampat Thiyam Leikai, P.O. & P.S. Imphal, Imphal West District, Manipur-795001.
12. O. Noyon Singh, aged about 53 years, S/o O. Omar Singh of Bashikhong Wangkhei Loumanbi, P.O. Singjamei, P.S. Irilbung, Imphal East District, Manipur -795008.

... Petitioners

-Versus-

1. The State of Manipur, represented by the Commissioner, Education (S), Government of Manipur, North Block Manipur Secretariat, P.O. & P.S. Imphal, Imphal West District, Manipur-795001.
2. The Director of Education (S), Government of Manipur, P.O. & P.S. Lamphel, Imphal West District, 795004.

... Respondents

B E F O R E

HON'BLE MR. JUSTICE AHANTHEMBIMOL SINGH

For the Petitioners	::	Mr. N. Ibotombi, Sr. Advocate; Mr. A. Rommel, Advocate
For the respondents	::	Mr. A. Vashum, GA
Date of Hearing	::	23-06-2023
Date of Judgment & Order	::	27-06-2023

JUDGMENT & ORDER

[1] Heard Mr. N. Ibotombi, learned senior counsel assisted by Mr. A. Rommel, learned counsel appearing for the petitioners and Mr. A. Vashum, learned GA appearing for the respondents

[2] The present writ petition had been filed with a prayer for directing the respondents to link-up the past services of the petitioners from the date of their initial appointment as contract/ part-time lecturers and to count the

period of their contract/ part-time services only for pensionary and retiral benefits.

[3] The brief facts of the present case is that by an order dated 17-11-1997 issued by the Director of Education (S), Government of Manipur, the petitioner No. 1 was initially engaged as part-time teacher in the Azad Higher Secondary School for teaching Mathematics subject on payment of a sum of Rs. 1000/- only per month from the date of joining his duty. By another order dated 26-09-1997 issued by the Director of Education (S) Government of Manipur, the petitioner Nos. 2, 3, 6 and 7 were initially engaged as part-time teachers for teaching Mathematics and Education subjects on payment of a sum of Rs. 1000/- per month with effect from the date of their joining duties. By another order dated 07-09-1996 issued by the Director of Education (S), Government of Manipur, the petitioner Nos. 4 and 12 were also initially engaged as part-time teachers for teaching Chemistry and Physics subjects with effect from the date of their joining duties. The petitioner No. 5 was also initially engaged as part-time teacher for teaching Geography subject by an order dated 23-09-1993 issued by the Director of Education (S), Government of Manipur on payment of a sum of Rs. 1000/ per month from the date of issuance of the said order. By another order dated 21-11-1997 issued by the Director of Education (S), Government of Manipur, the petitioner No. 8 was initially engaged as part-time teacher for teaching Political Science subject on payment of a sum of Rs. 1000/- per month with effect from the date of joining his duty. The petitioner No. 9 was also initially engaged as part-time teacher by an order dated 10-10-1996 issued by the Director of Education

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(S), Government of Manipur for teaching English subject with effect from the date of joining his duty. By another order dated 07-09-1996 issued by the Director of Education (S), Government of Manipur, the petitioner No. 10 was initially engaged as part-time teacher for teaching Economics subject with effect from the date of joining his duty. The petitioner No. 11 was also initially appointed as part-time teacher by an order dated 02-09-1998 issued by the Director of Education (S), Government of Manipur for teaching Chemistry subject with effect from the date of joining his duty.

[4] After rendering about 18 to 23 years of services as part-time teachers, the services of the petitioners were regularised by the Government along with 695 other part-time teachers by issuing an order dated 12-05-2016 with effect from the date of the said order. In the said order, the names of the petitioners appeared at Sl. Nos. 140, 248, 24, 240, 212, 47, 129, 280, 142, 141, 28 and 139 respectively.

[5] It is the case of the petitioners that on having knowledge about the Government taking up the process for considering the linking up of the past services rendered by the part-time teachers, whose services have been regularised by the Government under the order dated 12-05-2016, some of the petitioners submitted a representation dated 14-09-2001 to the Minister of Education, Government of Manipur, requesting for linking up of their part-time services from the date of their initial appointment only for the purpose of enjoying pensionary benefits. Without at all considering their genuine claim, the Commissioner, Education (S), Government of Manipur, issued an order dated 08-01-2022 linking up the services of only 206, out of 707 regularized lecturers, from the date of their initial appointment as

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contract/ part-time lectures only for the purpose of pensionary and retiral benefits. It has also been stated by the petitioners that even though the cases of 58 regularised lecturers including the petitioners are under active consideration by the State Government, no effective order for linking up of their past services has been issued by the authorities till date. Accordingly, some of the petitioners submitted another representation dated 26-05-2022 to the Education Department, Government of Manipur requesting for linking up of their part-time services only for the purpose of availing pensionary and retiral benefits, however, the authorities have not considered the representations submitted by some of the petitioners till today. Having been aggrieved, the petitioners approached this court by filing the present writ petition for redressing their grievances.

[6] Mr. N. Ibotombi, learned senior counsel appearing for the petitioners submitted that during the period from 1992 to 1998, the State Government engaged a large number of teachers including the present petitioners as part-time lecturers in the Government Higher Secondary Schools and utilised their services. After taking into consideration the long services rendered by those part-time lecturers, the State Government finally regularised the services of all together 707 (seven hundred and seven) contract/ part-time lecturers, including the present petitioners, by issuing an order dated 12-05-2016 with effect from the date of the said order. The learned senior counsel also submitted that out of the said 707 regularised lecturers, the State Government considered the cases of only 206 lecturers and linked up their past services rendered by them as part-time lecturers with effect from the date of their initial engagement till

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the date of their regularisation to be counted only for the purpose of pensionary and retiral benefits. It has also been submitted that the petitioners have already approached the authorities of the State Government by filing two representations requesting for linking up their past services rendered by them as part-time lecturers with effect from the date of their initial engagement till the date of their regular appointment only for the purpose of availing pensionary benefits, however, the authorities have not yet issued any effective order in this regard. According to the learned senior counsel, the present petitioners are similarly situated with those 206 part-time lecturers, whose past services have been linked up by the Government with effect from the date of their initial engagement for the purpose of availing pensionary benefits and accordingly, the petitioners are entitled to get the similar benefits as are given to those 206 part-time lecturers in view of the equality clause enshrined under Article 14 and 16 of the Constitution of India.

[7] The learned senior counsel appearing for the petitioners further submitted that by an order dated 07-01-2022 issued by the Commissioner (Hr. & Tech. Edn.), Government of Manipur, the State Government linked up and count the part-time service period rendered by 302 teachers of various Government Colleges from the date of their initial engagement as part-time lecturers for retiral and pensionary benefits only, however, in respect of the present petitioners, the respondents have failed to consider and give such benefits to the present petitioners despite their repeated request for giving such benefits. According to the learned senior counsel, such action of the respondents are arbitrary and discriminatory, inasmuch

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as the petitioners are similarly situated with those part-time lecturers and they are entitled to the same benefits. The learned senior counsel, accordingly, submitted that the present writ petition may be allowed by directing the respondents to give similar benefits as are given to those part-time lecturers.

[8] Mr. A. Vashum, learned GA appearing for the respondents submitted that the case of the writ petitioners along with others was processed for placing before the State Cabinet, however, as the Department of Personnel and Finance Department, Government of Manipur did not support the proposal, the said proposal was not placed before the State Cabinet. It has also been submitted by the learned GA that the reason for not supporting the proposal is that there is no policy for linking up of past services rendered as part-time / contract lecturers before their regularisation and that if such cases are agreed to, it will set a precedent for all such cases where contract/ part-time employees are regularized. The learned GA further submitted that the proposal for linking up of past services of the petitioners and others from the Department of Education (S), was again forwarded to the Department of Personnel as well as Finance Department, Government of Manipur for obtaining their views and comments and that the Government is processing the matter so as to treat all equally and to have a policy decision with holistic approach.

[9] I have heard the rival submissions advanced by the learned counsel appearing for the parties at length and also carefully examined the materials available on record. In the present case, there is no dispute with regard to the fact that all the petitioners were initially engaged as part-time

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teachers in various Government Higher Secondary Schools and they continued to render their services uninterruptedly till their part-time services were regularised along with 695 other part-time teachers by an order dated 12-05-2016 issued by the Commissioner (Edn./S), Government of Manipur. Subsequently, out of the said 707 regularized lecturers, the part-time services of 206 lecturers was linked up from the date of their initial engagement till the date of their regularisation to be counted only for the purpose of pensionary and retiral benefits by an order dated 08-01-2022 issued by the Commissioner (Edn./S), Government of Manipur. It is also an admitted position that the present petitioners are similarly situated with those 206 lecturers in every respect and accordingly, this court is of the considered view that they should be treated equally and any action for treating them unequally will violate the equality clause enshrined under Article 14 and 16 of the Constitution of India.

[10] As the aforesaid Government's order dated 08-01-2022 linking up the part-time services of 206 lecturers had been issued in pursuance of the decision of the State Cabinet and with the concurrence of the Department of Personnel and Finance Department, this court did not see any reason as to why the petitioners should not be given similar benefits by following the same procedure. Taking into consideration the stand of the respondents given in their affidavit-in-opposition that the proposal regarding the linking up of past services of the petitioners is pending for consideration and the Government is processing the matter so as to treat all equally, this court is of the considered view that it will be in the interest of justice and equity to give the following directions:-

- (a) The respondents are directed to consider the claim of the petitioners for linking up the period of their past services rendered as part-time teachers/ lecturers with effect from the date of their initial engagement till the date of regularisation of their services only for the purpose of availing pensionary and retiral benefits;
- (b) The whole process for consideration and issuance of necessary orders should be completed within a period of three months from the date of receipt of a certified copy of this order; and
- (c) As the above directions have been given in view of the peculiar facts and circumstances of the present case, it is made clear that this judgment and order will not set any precedent for claiming linking up of part-time/ contract service.

With the aforesaid directions, the present writ petition is disposed of. Parties are to bear their own costs.

JUDGE

FR / NFR

Devananda