

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

W.A. No. 38 of 2025

Lairikyengbam Tamocha Roy; & Ors.

Appellants

Vs.

State of Manipur; & Ors.

Respondents

***Clubbed with
MC (WA) No. 79 of 2025 With
W.A. No. 39 of 2025 with
MC (W.A.) No. 78 of 2025***

BEFORE

**HON'BLE THE CHIEF JUSTICE MR. M. SUNDAR
HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH
ORDER (ORAL)**

(Order of the Court was made by M. Sundar, CJ)

03.11.2025

[1] This common order will now govern the captioned two 'main Writ Appeals' ('WAs' in plural and 'WA' in singular for the sake of brevity) and captioned two Miscellaneous Cases thereat. The 'Miscellaneous Cases' shall be referred to as 'MCs' in plural and 'MC' in singular, also for the sake of brevity.

[2] Captioned two main WAs are intra-court appeals *vide* which a common order dated 29.11.2024 made by a Hon'ble Single Bench of this Court in W.P. (C) No. 308 of 2024, W.P. (C) No. 79 of 2024 and the MCs thereat has been assailed. This '29.11.2024 common order' shall be referred to as 'impugned order' for the sake of clarity.

[3] To be noted, captioned W.A. No. 39 of 2025 is directed against W.P. (C) No. 308 of 2024 and W.A. No. 38 of 2025 is directed against W.P. (C) No. 79 of 2024, obviously with the respective MCs thereat.

[4] Short facts, shorn of particulars/details not imperative for appreciating this order are that the three writ appellants in the captioned WAs are now serving as 'Executive Engineers' ('EEs' for the sake of brevity) in Water Resources Department (WRD) in the Government of Manipur; that the writ appellants were promoted as EEs with effect from 03.02.2018; that Assistant Engineers (AEs) is the feeder post *qua* EEs; that writ appellants are promotee AEs; that direct AEs (to be noted, individuals who were appointed directly as AEs unlike the writ appellants) assailed the promotion of writ appellants as EEs with effect from 03.02.2018 by way of W.P. (C) No. 917 of 2017 etc. (9 writ petitions in all); that the main writ petition Nos. are **(1)** W.P. (C) No. 917 of 2017 **(2)** W.P. (C) No. 1168 of 2018 (3) W.P. (C) No. 119 of 2018 **(4)** W.P. (C) No. 164 of 2018 **(5)** W.P. (C) No. 166 of 2018 **(6)** W.P. (C) No. 274 of 2018 **(7)** W.P. (C) No. 665 of 2022 **(8)** W.P. (C) No. 78 of 2022 **(9)** W.P. (C) No. 99 of 2018; that these 9 writ petitions came to be disposed of by a Division Bench of this Court by a common order dated 30.10.2023 *inter alia* upholding the promotion of writ appellants as EEs and the Rules which enabled such promotion; that in and *vide* this 30.10.2023 order, the Division Bench also made it clear that the direct AEs can also be considered for promotion to the post of EEs; that the direct AEs (petitioners in 6 out of the 9 writ petitions) carried the matter to Hon'ble Supreme Court by way of SLPs being SLP (C) Nos. 25889-25894 of 2023; that these SLPs

were filed in the Hon'ble Supreme Court on 08.11.2023; that the Hon'ble Supreme Court disposed of the 6 SLPs in and by an order dated 03.02.2025; that in the interregnum, Departmental Promotion Committee (DPC) met on 22.12.2023, took a decision and pursuant to such decision, promoted the direct AEs as EEs *vide* order dated 27.12.2023 and passed transfer order dated 16.01.2024; that the writ appellants before us filed two writ petitions namely W.P. (C) No. 308 of 2024 assailing the DPC decision dated 22.12.2023 and another writ petition being W.P. (C) No. 79 of 2024 assailing the 27.12.2023 promotion order and 16.01.2024 transfer order; that these two writ petitions came to be disposed of in and by the common impugned order alluded to *supra* elsewhere in this order; that in the impugned order, as is evident from the undisputed narrative thereat, writ appellants, took the plea that they would give a representation within two weeks timeframe regarding the preparation of seniority list of EEs and the State can take a decision on the same on its own merits and in accordance with law; that this aspect of the matter is captured in paragraphs 17 & 18 of the impugned order by the Hon'ble Single Bench; that pursuant to the impugned order, writ appellants have given a representation dated 04.02.2025 (Annexure/M-4 before us in captioned MCs); that under such circumstances, even before giving the representation, writ appellants have preferred the captioned writ appeals by presenting the same on 24.01.2025 with Condonation of Delay (CoD) applications, the CoD prayers were allowed on 07.08.2025 (post representation dated 04.02.2025) and the captioned writ appeals are before us in the admission Board today.

[5] This Court carefully considered facts and circumstances of the case in the light of the trajectory the matter has taken from the promotion of writ appellants as EEs on and with effect from 03.02.2018 which is the nucleus and genesis of the matter.

[6] To be noted, the trajectory the matter has taken, together with essential facts have been captured *supra vide* short narrative of facts.

[7] This Court heard Mr. E. Premjit Singh, learned counsel for appellants in detail in the admission Board. This Court finds that the captioned main WAs do not pass muster in the admission Board and the reasons are as follows:

(a) Before the Hon'ble Single Bench, though the writ appellants have challenged DPC proceedings dated 22.12.2023 as well as promotion order dated 27.12.2023 and transfer order dated 16.01.2024, at the time of disposal of the writ petitions, writ appellants have by their own volition, taken the plea that they are concerned only with the preparation of the seniority list of EEs, they urged the State to prepare a seniority list of EEs though the SLPs were pending and also by their own volition submitted that they will give a representation to the State with regard to preparation of seniority list of the EEs and the State can make an order on its own merits and in accordance with law on their

representation. To be noted, as already alluded to *supra*, writ appellants have also given a representation dated 04.02.2025;

(b) Writ appellants on their own volition having taken such a stand before the Hon'ble Single Bench and having invited the impugned order dated 29.11.2024 cannot now be heard to assail the impugned order by way of captioned intra-court appeals *i.e.*, captioned WAs. To be noted, as per allusion *supra*, the afore-referred aspect of the matter which unfurled before the Hon'ble Single Bench has been captured by the Single Bench *inter alia* in paragraph 16–18, we deem it appropriate to extract and reproduce paragraph 16-18 together with concluding paragraph 19 and the same read as follows:

'[16] Mr. RK. Mehta, learned counsel for the petitioners, submits that since there is no stay by the Hon'ble Supreme Court in the pending SLP, the State respondent may be directed to prepare the seniority list of Executive Engineer within a stipulated period of time.

[17] Mr. M. Devananda, learned Addl. A.G., submits that since the matter is pending before the Hon'ble Supreme Court, it may not be appropriate to the State respondent to prepare final seniority list at its own and the petitioners may be directed to submit a representation in this regard and they will consider as per rule.

[18] Mr. RK. Mehta, learned counsel for the petitioners, submits that the petitioners will submit a detailed representation to the State respondent within two weeks and the State respondent may consider the case of the petitioners as per rule.

[19] With this observations and directions, writ petitions are disposed of. Misc. applications are also disposed of in terms of the above observations and directions' ;

(c) The only option now available for writ appellants is to await disposal of their representation dated 04.02.2025. If the disposal of the representation of writ appellants dated 04.02.2025 is in favour of writ appellants, that would be curtains but if it is adverse to writ appellants, it is open to writ appellants to assail the same *inter alia* by way of seeking a writ of certiorari, if so advised and if so desired, but we refrain from expressing any opinion on the course of action which the writ appellants may have to take;

[8] Be that as it may, if the aforesaid scenario unfurls and if the writ appellants choose to assail the disposal of the representation dated 04.02.2025 by way of writ petitions or in any other appropriate manner, the same shall be considered on its own merits and in accordance with law untrammelled by instant order which has been made for the limited purpose of giving a closure to the writ appellants' challenge to the common impugned order dated 29.11.2024.

[9] In the event of the aforesaid scenario unfurling, though obvious, we make it clear that it will be open to writ appellants to assail the DPC proceedings dated 22.12.2023 as well as the promotions of direct AEs *vide* order dated 27.12.2023 followed by the transfer order dated 16.01.2024 and the same shall also be considered on its own merit and in accordance with law untrammelled by instant order.

[10] All this means, writ appellants will now have to await disposal of their representation dated 04.02.2025.

[11] At this juncture, *i.e.*, when the order was being pronounced, Mr. E. Premjit, learned counsel for writ appellants brought to our notice that 7 (seven) direct AEs who were serving as EEs have since been promoted to the next higher posts of Superintending Engineers (SEs) in and by an order dated 06.02.2025 made by State and a scanned reproduction of this order is as follows:

ANNEXURE - M/9

33

GOVERNMENT OF MANIPUR
SECRETARIAT: WATER RESOURCES DEPARTMENT

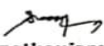
ORDERS BY THE GOVERNOR: MANIPUR
Imphal, the 6th February, 2025

No.3/2/2025-WR(Promo/SE): On recommendation of the Class-I Departmental Promotion Committee constituted vide DP's Order No.APPT-4/3/2020-DP-DP dated 23-11-2023 and chaired by Chief Secretary, Government of Manipur in its meeting held on 05-02-2025, the Governor of Manipur is pleased to appoint the following 07(Seven) Executive Engineers of Water Resources Department, Manipur by promotion to the post of Superintending Engineer (Civil) on regular basis in the Water Resources Department, Manipur in order of merit in the level 14 of Pay Matrix (Rs.78,800 - 2,09,200 under ROP-2019 and other allowances as admissible under rules with immediate effect as detailed below:

Sl. No.	Name of Engineer
1	YUMKHAIBAM HOMENDRO SINGH
2	KAMBAM KIRAN SINGH
3	ROHIT AHANTHEM
4	BRAHMACHARIMAYUM GOVIND SHARMA
5	IROM ROYAL
6	KHANGENBAM THOILEN ANGOMCHA
7	SHAHID MOHAMMED SHAH

2. They shall be on probation for a period of 2 (two) years.
3. On their appointment to the posts of Superintending Engineer, the above officers shall continue in their respective present place of posting, until further orders.

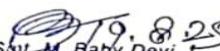
By Order & In the name of Governor,


(Ningthoujam Geoffrey)
Commissioner(WR)
Government of Manipur.

Copy to:-

1. PS to the Hon'ble Chief Minister, Manipur.
2. PS to Hon'ble Minister (WRD), Manipur.
3. Staff Officer to Chief Secretary, Govt. of Manipur.
4. Vigilance Commissioner, Manipur.
5. Accountant General, Manipur.
6. Chief Engineer (WRD), Manipur.
7. Joint Secretary (DP), Government of Manipur.
8. All Addl. CEs/SEs/SSWs/EEs/EOs/SWs, WRD, Manipur.
9. Director (Printing & Stationery), Manipur for publication in the Extra Ordinary Gazette.
10. Director/MIS, Manipur Secretariat, North Block, Imphal.
11. Treasury Officer concerned, Manipur.
12. All Officers concerned, Manipur.
13. Personal file concerned.
14. Order Book/Guard File.


//True Copy//


Shilpa M. Baby Devi
Oath Commissioner (Judicial)
Imphal West District & High Court
Regd. No. 568/2024

[12] Though obvious, we make it clear that it is open to writ appellants to assail the aforesaid 06.02.2025 order also in a manner known to law and if writ appellants choose such a course, such challenge would be considered on its own merits and in accordance with law untrammelled by instant order.

[13] Though obvious, for the purpose of abundant specificity, we clarify that this order will not in any manner touch upon much less infringe the right of direct AEs as they are not before this Court when the instant order is being made. To be noted, instant order is being made in the admission Board and as already adverted to *supra* captioned WAs do not pass muster in the admission Board. If there is any challenge in the aforesaid manner, all the rights and contentions of the direct AEs will stand preserved for being canvassed before the Court concerned which will consider the same also on its own merits and in accordance with law.

[14] Captioned Writ Appeals are dismissed in the aforesaid manner albeit with preservation of rights and observations as set out *supra*. Consequently, captioned MCs thereat also perish with the WAs and the same are dismissed. There shall be no order as to costs.

Sandeep
JUDGE

CHIEF JUSTICE