

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

WP(C) No. 344 of 2025

With

MC(WP(C)) No. 318 of 2025

Longjam Baleshwar Singh & 67 ors.

Petitioners

Vs.

State of Manipur & 4 ors.

Respondents

BEFORE

HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH

28.04.2025

Heard Mr. M. Devananda, learned senior counsel assisted by Ms. Jyotsana Naorem, learned counsel, appearing for the petitioners.

Mr. R.S. Wungathing learned counsel assisting Mr. M. Rarry, learned senior counsel, entered appearance on behalf of all the respondents. Hence, no formal notice is called for.

It is the case of the petitioners that after taking over of the Private/Aided colleges wherein all the petitioners were serving and in pursuance of the provision under Rule 7 of the Manipur Civil Service (Appointment and other service conditions of employees of Government Aided/Private Institutions taken over by the Government) Rules, 1981, the Government has issued an order dated 07.03.2019 absorbing the petitioners and others into government service w.e.f. 22-01-2019 and also ordering the protection of their past services and their pay protection with notional effect including the pension and provisional gratuity in respect of the employees of the erstwhile private/aided colleges including the present petitioners. Subsequently without giving any notice or without giving any opportunity of hearing, the respondents unilaterally issued an Office Memorandum dated 11-12-2023 thereby keeping in abeyance the order

issued in favour of the petitioners. It is also the case of the petitioners that in the minutes of the meeting of the committee for linking up of past service for pensionary benefits held on 29-01-2025 by the officials of the State Government, certain decisions about the applicability of the pension rules in respect of the petitioners and other of their ilk were taken. According to the petitioners, such action of the government is unwarranted and illegal inasmuch as, the said Office Memorandum and the said decision taken in the aforesaid proceeding adversely affect the accrued right of the petitioners without following the principle of natural justice.

The learned senior counsel appearing for the petitioners press for passing an interim order for protecting the right and interest of the present petitioners.

Mr. M. Rarry, learned senior counsel appearing for the respondents, strenuously submitted that the decision taken by an executive officer of the government cannot override the provisions of the statutory rule framed under article 309 of the constitution and that he has also received instructions to raise a preliminary issue regarding the maintainability of the present writ petition. The learned senior counsel also submitted that he may be given a few **weeks'** time to file a detailed affidavit and to consider the prayer for passing interim order made by the petitioners in the present writ petition. The learned senior counsel finally submitted that there is no urgency for passing any interim order in the present writ petition and that no interim order be passed in the present writ petition before consideration of the prayer for passing interim order.

The learned senior counsel further submitted that out of the 68 petitioners only 14 has been finally absorbed by the government on the basis of the recommendation made by the MPSC and if at all an interim order is to be passed, it may be confined to this 14 petitioners only.

As prayed for by the learned senior counsel appearing for the respondents, list this case again on 07.05.2025 for consideration of the prayer for passing interim order.

In the meantime, it is hereby directed that the impugned Office Memorandum dated 11-12-2023 and the decision taken in the aforesaid committee meeting held on 29-01-2025 shall not be applicable to the present petitioners till the next date of hearing.

Indrajeet

JUDGE