

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

WA No. 24 of 2019

Th. Rajen Singh and 11 others

Appellants

Vs.

State of Manipur and 7 others

Respondents

Clubbed with WP(C) No. 583 of 2019

BEFORE

**HON'BLE THE CHIEF JUSTICE MR. M. SUNDAR
HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH**

ORDER

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

03.12.2025

[1] Captioned 'writ appeal' ('WA' for the sake of brevity) is an intra-court appeal and the same is directed against 'an order dated 02.05.2019 made by a Hon'ble Single Bench in WP(C) No. 96 of 2010' ('impugned order' for the sake of convenience).

[2] Before the Hon'ble Single Bench, in the afore-referred writ petition, there were 19 (nineteen) writ petitioners. However, only 12 (twelve) writ petitioners have chosen to file the captioned WA. This court is informed that the remaining 7 (seven) writ petitioners have not challenged the impugned order and have given legal quietus to the impugned order. This undisputed common submission made by both sides is recorded. This means that the instant order in the captioned WA and the captioned WP thereat will be with regard to/will govern only the 12 (twelve) appellants and

the lone writ petitioner (13 individuals in all). Before we proceed further, it is deemed appropriate to capture the obtaining position that the captioned 'writ petition' ('WP' for the sake of brevity) has been filed by a lone individual assailing the same termination order i.e., order dated 09.07.2004 bearing reference No. 2/1(440)/2000-CE(P) made by R2 the Chief Engineer (Power) Electricity Department, Government of Manipur. To be noted, 'R2' denotes 'second respondent' and similar abbreviations/short forms will be used with regard to other respondents also.

[3] As the captioned WP was filed very late (on 24.07.2019) after the filing of the captioned writ appeal on 20.05.2019, the WA and WP were tagged earlier is the common submission made by both sides.

[4] As regards facts, it will suffice to set out factual matrix in a nutshell containing short facts owing to the nature of the order which we propose to make. Suffice to write that in and by an order dated 09.07.2004, being Office Order No. 198 bearing reference No. 2/1(440)/2000-CE(P) made by R2 [the Chief Engineer (Power)] Electricity Department, Government of Manipur, the services of 20 (twenty) adhoc Assistant Linesmen were terminated with immediate effect ('first impugned order'); that thereafter, an order dated 28.04.2005 being Office Order No. 43 bearing reference No. 2/1(464)/2000-CE(P) was made by R2 terminating the adhoc services of one individual viz., Shri Thounaojam Rajen Singh (to be noted, this individual is appellant No. 1 in captioned WA before us); that this 28.04.2005 shall be referred to as 'second impugned order'; that assailing first and second impugned orders, 19 (nineteen) individuals filed afore-

referred WP(C) No. 96 of 2010 in February of 2010; that pending writ petition before Hon'ble Single Bench, the writ petitioners in and vide a petition made an additional prayer on 05.09.2017 and this additional prayer was to direct official respondents to extend the same benefit which was extended to private respondents R3 to R8 (to be noted, R3 to R8 private respondents were regularized); that thereafter, WP(C) No. 96 of 2010 was disposed of by the impugned order directing R2 to consider the claim of the petitioners within a period of 8 (eight) to 12 (twelve) weeks; that immediately after the impugned order dated 02.05.2019, captioned WA was filed on 20.05.2019 and captioned WP was filed on 25.07.2019; that captioned WA and WP are before this Court today.

[5] Mr. L. Shashibhushan, learned senior counsel instructed by Md. Fakhuruddin, learned counsel for the 12 (twelve) appellants in WA and lone writ petitioner in WP and Mr. S. Nepolean, learned senior counsel and State counsel instructed by Mr. W. Niranjit, learned State counsel for State are before us. The private respondents have been duly served but they have neither entered appearance through a counsel nor chosen to come before this Court. Therefore, with the consent of afore-referred learned counsel on both sides, main WA and main WP were taken up and heard out.

[6] On a careful perusal of the impugned order as would also be evident from the factual matrix narrated supra it becomes clear that Hon'ble Single Bench has neither acceded to the prayer of the writ petitioners nor negatived the same. On the contrary, Hon'ble Single Bench has directed the respondents to consider the claims of the writ petitioners. Learned State

counsel submits that the claim of the writ petitioners could not be considered pursuant to the impugned order as the captioned WA was filed on 20.05.2019 within 3 (three) weeks from the date of the impugned order.

[7] A careful perusal of the impugned order further brings to light that the afore-referred additional prayer made by the writ petitioners on 05.09.2017 i.e., prayer for parity qua R3 to R8 who according to writ petitioners were regularized has not been considered vide the impugned order. The other rival contentions as regards writ petitioners' claim for regularization and contentions to the contrary by the State, stating that the writ petitioners do not qualify for regularization has also not been considered. In this view of the matter, both sides agreed to have the matter remanded to Hon'ble Single Judge leaving open all questions.

[8] In the light of the narrative thus far, the following order is made :

- a) Impugned order being order dated 02.05.2019 made in WP(C) No. 96 of 2010 by Hon'ble Single Bench is set aside on the ground that additional prayer has not been considered and rival contentions qua regularization has not been examined;
- b) The writ petition i.e., WP(C) No. 96 of 2010 is remanded to the Hon'ble Single Bench for adjudication afresh;
- c) Post remand, Hon'ble Single Bench shall construe the writ petition as one having been filed only by the 11 (eleven) appellants and return a verdict on that basis.

The reason is the remaining 7 (seven) writ petitioners have given legal quietus to the impugned order;

- d) Captioned WP being WP(C) No. 583 of 2019 also is now to be placed before Hon'ble Single Bench for consideration along with WP(C) No. 96 of 2010;
- e) When the aforementioned legal drill post remand commences before Hon'ble Single Bench, though obvious, it is made clear that all questions are left open qua both sides;
- f) Though obvious, the Honb'le Single Bench is requested to consider the additional prayer of the writ petitioners albeit with regard to the 12 (twelve) appellants in the legal drill that is to ensue before Hon'ble Single Bench;
- g) Considering the length of time and the life of this litigation, it would be desirable to expedite the hearing before the Hon'ble Single Bench albeit subject to official business and Board of the Hon'ble Single Bench.

[9] Captioned WA is disposed of in the aforesaid manner. Captioned WP is directed to be tagged with WP(C) No. 96 of 2010 (post remand) and be heard out by the Hon'ble Single Bench. There shall be no order as to costs.

JUDGE

Sushil

CHIEF JUSTICE