

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

**WP(C) No. 453 of 2026 with
MC(WP(C) No. 475 of 2026**

Naorem Babyrani Devi

.....Petitioner/s

-Versus-

State of Manipur & 2 Ors.

....Respondent/s

BEFORE
HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA

Order

17.06.2026

[1] Heard Mr. HS. Paonam, learned senior counsel assisted by Mr. A. Arunkumar, learned counsel for the petitioner.

[2] The petitioner is aggrieved by the order dated 15.06.2026 issued by the Joint Secretary (Social Welfare), Government of Manipur making transfer and posting order for three officers of the department. The petitioner is aggrieved by posting of respondent No. 3 who is Supervisor, CDPO, ICDS Project, Saikul at serial No. 3 of the order where she has been transfer and posted to a higher post of in-charge CDPO, ICDS Project, Saikul. The petitioner is not concerned with the transfer and posting of officers at Serial Nos. 1 & 2 of the impugned order dated 15.06.2026.

[3] Mr. HS. Paonam, learned senior counsel for the petitioner, draws the attention of this Court to the O.M. dated 03.10.2020 issued by the Department of Personnel & Administrative Reform (Personnel Division), Government of Manipur, whereas in para 4 it is stated that where eligible officers as per recruitment rules are not available to fill up

at particular post, the seniormost person amongst the cadre or belonging to the feeder cadre shall be appointed to hold the post on in-charge basis subject to the vigilance clearance and competency in case of Head of Department. Learned senior counsel submits that the petitioner is the seniormost amongst the Supervisor without charge of any higher post and her serial number in the final seniority is at serial No. 40 while private respondent No. 3 is at serial No. 157. It is submitted that posting of private respondent No. 3 as in-charge CDPO which is a higher post is in violation of O.M. In the circumstances, it is prayed that the impugned order be stayed in respect of serial No. 3, i.e., with respect to respondent No. 3 in respect to her posting as in-charge CDPO, ICDS Project, Saikul.

[4] Issue notice.

[5] Mr. Th. Vashum, learned G.A. accepts notice on behalf of respondent Nos. 1 & 2 and prays for two weeks' time for taking instruction and filing counter affidavit.

[6] Petitioner is directed to take step to respondent No. 3 by speed post and dasti in addition within one week and file affidavit of proof of service.

[7] Mr. HS. Paonam, learned senior counsel for the petitioner, submits that the petitioner does not have complete postal address of respondent No. 3 and in the cause title, respondent No. 3 has to be served through Director (Social Welfare), Government of Manipur.

[8] Mr. Th. Vashum, learned G.A., submits that it may not be appropriate to serve respondent No. 3 through respondent No. 2.

[9] In the circumstances, respondent No. 2 is directed to furnish complete postal address of respondent No. 3 to the petitioner or counsel for the petitioner within three days.

[10] Mr. Th. Vashum, learned G.A., opposes the prayer for interim relief by referring to the decision of the Hon'ble Supreme Court in the case of **S.C. Saxena vs. Union of India** reported as **(2006) 9 SCC 583** para 6. In this case, the Hon'ble Supreme Court held that a person who has been transferred has right to join new place of posting and has no locus to challenge the transfer order.

[11] This Court has perused the decision of the Hon'ble Supreme Court and same is not applicable in the fact of the present case, where the impugned order dated 15.06.2026 is not a transfer order simplicitor; rather it is an in-charge promotion to the higher post in the name of transfer. The present transfer order is not a transfer order in true sense, it is in-charge arrangement/promotion to a higher post in the same station. This Court is of the view that posting of respondent No. 3 to a higher post on in-charge basis in the same posting, is not a transfer order; but the same is making in-charge arrangement to the higher post and the same is in violation of O.M. dated 03.10.2020. In the circumstances, the operative part of the order dated 15.06.2026 with respect to serial No. 3 of posting of respondent No. 3 as in-charge CDPO, ICDS Project, Saikul is stayed till next date.

[12] List this case on 28.08.2026.

JUDGE

Kh. Joshua Maring