

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

WP(C) No.468 of 2024 with
MC (WP(C)) No.380 of 2024

Aribam Reena Devi ... Petitioner

-Versus-

State of Manipur & 4 Ors ... Respondents

BEFORE

HON'BLE MR. JUSTICE A.GUNESHWAR SHARMA

23.08.2024

Heard Mr.N.Kumarjit, learned Sr. Counsel assisted by Mr.Zequeson, learned counsel for the petitioner, Mr.Shyam Sharma, learned Government Advocate for the State and Mr.T.Momo, learned counsel for private respondent Nos.3, 4 and 5.

Learned Government Advocate prays for two weeks' time for filing counter affidavit and Mr.N.Kumarjit, learned senior counsel prays for preliminary relief in the interim as juniors have been given in-charge in violation of Office Memorandum dated 3.10.2020. Learned senior counsel draws attention of this Court to the final seniority list of Section Officer-I (Civil) in RED/MSRRDA as on 30.09.2022. Whereas the petitioner is at Sl.No.11 and private respondent Nos.30 at Sl.No.16, No.4 at Sl.39 and No.5 at Sl.No.19. By another impugned order dated 30.01.2023 respondent No.3 has been given in-charge E.E, Imphal East, Jiribam and another order dated 9.7.2024 respondent No.4 has been given in-charge E.E of Senapati and respondent No.5 is given in-charge EE Senapati. It is stated that the petitioner is still serving as in-charge Assistant Engineer. The impugned orders are in violation of the Office Memorandum dated 3.10.2020 where senior most in the cadre has to be conferred in-charge appointment when none is eligible for

promotion on regular basis. It is prayed that the impugned orders be stayed during pendency of the present writ petition.

Mr. Shyam Sharma, learned Government Advocate submits that he may be given some time to take instructions. On the other hand, Mr. T. Momo, learned counsel for the private respondents submits that as per pleadings of the petitioner, earlier she has been superseded by eleven persons and as such, the present writ petition is not maintainable due to defect in array of parties as those eleven persons have not been impleaded.

It is stated that in the application for interim relief the petitioner has sought for stay of order dated 9.7.2024 and no prayer is made with respect to the impugned order dated 30.01.2023 with respect to in-charge appointment of respondent No.3.

Mr. N. Kumarjit, learned senior counsel submits that he has no grievance with respect to those eleven persons and those persons are not related with the impugned orders challenged in the present writ petition and hence, they are neither necessary party nor proper party in the present writ petition. The petitioner is not praying for stay of the impugned order dated 30.01.2023 as substantial time has already passed.

This Court has considered the materials on record and submissions made at the Bar. Admittedly, private respondents are juniors to the petitioner in the cadre of Section Officer-I and as per para-4 of the Office Memorandum dated 3.10.2020 the senior most in the cadre is to be considered for in-charge appointment. Accordingly, the in-charge appointment with respect to respondent Nos.4 and 5 in order dated 9.7.2024 reflected at Sl.Nos.7 and 8 are kept under suspension till the next date.

Furnish a copy of this order to learned counsel for the parties.

List on 14.10.2024.

JUDGE