



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

W.P.(C) No. 96 of 2010

Shri Th. Rajen Singh, aged about 45 years, S/o (Late) Th. Nipamacha Singh, resident of Wangoi Makha Leikai, P.O. & P.S. Wangoi, Imphal West District, Manipur **& 18 Ors.**

....Petitioners

- Versus -

1. The State of Manipur represented by the Commissioner/Secretary (Power), Government of Manipur.
2. The Chief Engineer (Power), Electricity Department, Government of Manipur.
3. Shri L. Sanatomba Singh, now service as Assistant Lineman in the Office of the Executive Engineer, Imphal Maintenance Division, Electricity Department, Govt. of Manipur.
4. Shri Khamzachin Lungchin, now service as Assistant Churachandpur Division, Electricity Department, Govt. of Manipur.
5. Shri Khaizalian, now service as Assistant Lineman of Office of the Executive Engineer, Churachandpur Division, Electricity Department, Government of Manipur.
6. Shri Nguizadeh Kipgen, now service as Assistant Lineman in the office of the Executive Engineer, Kangpokpi Division, Electricity Department, Government of Manipur.
7. Shri Lamkhotang Kipgen, now service as Assistant Lineman in the office of the Executive Engineer, Kangpokpi Division, Electricity Department, Government of Manipur.
8. Shri N. Loli Mao, now service as Assistant Lineman in the office of the Executive Engineer, Senapati Division, Electricity Department, Government of Manipur.

...Respondents

**BEFORE
HON'BLE THE CHIEF JUSTICE MR. RAMALINGAM SUDHAKAR**

For the petitioners : Mr. L. Shashibhushan, Advocate
For the respondents : Mrs. O. Momota, Addl. A.G., Manipur
Date of hearing & order : 02.05.2019



ORDER

[1] Heard Mr. L. Shashibhushan, learned counsel appearing for the petitioners and Mrs. O. Momota, learned Additional Advocate General for the respondents.

[2] Prayer in the writ petition reads as follows :

“(ii) To show cause as to why the order in Annexure – A/13 and A/14 to the petition should not be set aside.

(iii) to set aside the order in Annexure – A/13 and A/14 to the petition if the respondents No. 1 and 2 fails to give a reply or gives an improper reply.”

[3] 19 (nineteen) petitioners were appointed as Assistant Lineman in the Electricity Department, Government of Manipur on ad-hoc basis for a period of 6 (six) months vide office order dated 18.12.1998. Respondents were appointed in the same manner. Chief Engineer (Power) by his proceeding dated 09.07.2004 (Annexure – A/13) came to hold that the ad-hoc service of Assistant Lineman was not extended beyond 31.12.2000. But, they continued service by virtue of this Court's order.

[4] It is further observed that due to financial constraint, a decision was taken to discontinue the ad-hoc service. Accordingly, the 20 (twenty) persons who were appointed as Assistant Lineman on ad-hoc basis were terminated with immediate effect. Similarly, another order dated 28.04.2005 (Annexure – A/14) was passed in respect of one, Shri Thounaojam Rajen Singh, petitioner No. 1 against which the writ petition has been filed.

[5] Notice has been ordered on 16.12.2010. Reply affidavit in



respect of respondent No. 1 has been filed.

[6] Specific allegation of the petitioner is that while terminating the ad-hoc service of Assistant Lineman, the Department has adopted pick and choose method. The petitioners have been discriminated whereas the private respondents who were appointed the petitioners were extended or given other benefits to continue in service. It appears that there is no rational in the method adopting by the respondents in terminating the petitioners and extending the service of private respondents.

[7] Mrs. O. Momota, learned Additional Advocate General appearing for the State states that the appointments are made on the basis of the requirement of the Department and therefore, such claim of ad-hoc appointees is not a matter of right that they should be appointed on regular basis. It is a temporary measure because maintenance of power supply is an essential service.

[8] Be that as it may, it is not in dispute that the petitioners admittedly performed their duties right from December, 1998 to October, 1999 for a long number of years. Private respondents were also working as Assistant Lineman (Ad-hoc). The issue is whether there can be discrimination against such temporary or ad-hoc appointments. The respondents appear to have no any explanation for that to the statement. However, in case the expertise of the petitioners and that of the private respondents are required by the Department for maintaining the essential service, it will be desirable that similarly placed persons should be treated on par based on their ability to perform duties for engagement on ad-hoc basis. It does appear to be fair or



good reason to choose one set of Assistant Lineman as Ad-hoc and terminating the others.

[9] The decision to engage or dis-engage ad-hoc services should be based on some rational and on a non-arbitrary method or manner. The respondents shall consider the claim of the petitioners also if there is a requirement for ad-hoc appointment and if the parameters of discharging the duties as Assistant Lineman are satisfied.

[10] In any event, it has to emphasize that the Government should not adopt such a method of ad-hoc appointment on continuous basis. The general rule is to appoint persons on regular basis. The respondent shall not adopt such method to circumvent the law relating to employment and labour welfare. Besides, in case of any serious injury or otherwise, the person concerned or their family members will be left with no avenue for legal redressal. The State should ensure that workman of all kind have a remedy by law and protect their rights.

[11] The authority shall consider the claim of the petitioner on the above parameters within a period of 8 – 12 weeks from the date of receipt of a copy of this order.

[12] Writ petition is disposed of as above.

CHIEF JUSTICE

FR/NFR

Bipin