

State of Manipur

Vs

Nambam Dwijen Singh and Others

Civil Appeal No. 10245 of 1995

(K. Ramaswamy, B. L. Hansaria JJ)

02.11.1995

ORDER

1. Leave granted.

2. This appeal by special leave arises from the judgment and order dated 22-3-1994 passed in WA No. 27 of 1993 by the Gauhati High Court at Imphal. The High Court directed the appellant in the ultimate order thus :

"Undisputedly after the judgment was passed in CR No. 132 of 1993 the vacant posts of Executive Engineer of the Civil Circle of the Electricity Department are filled up by putting the respondents in charge. It is not the case that the vacant posts are never filled up that being so the submission of Mr Nandkumar that the court cannot direct to fill up all vacant posts by the Government is without submissions. The subsequently policy decision if any to reorganise the Electricity Department is irrelevant as far as the validity of the judgment and order dated 11-10-1993 passed in Civil Rule No. 933 of 1993 is concerned. In the appeal our scrutiny is confined to the statements made in the CR No. 933 of 1993 and counter if any and not extraneous subsequent facts. We have perused the impugned judgment and order and we do not find any infirmity and that being so the appeal is without merit and is dismissed."

3. When the matter came up before us, we directed on 25-11-1994 thus :

"In the facts and circumstances, before deciding the actual controversy, it is necessary that the State Government should take a policy decision as to how many of the posts in each of electrical and civil engineering are required to be created and then the principles on the basis of which they are required to fill the posts. Until that is done, it is difficult to give any direction to consider the claims of the respective candidates in the respective branches. The State Government, therefore, is directed to consider and determine the restructure of the electrical and civil engineering departments and the required number of posts in each department and the qualifications prescribed and principles for filling up all those posts. Two months' time is sought for and granted."

4. Pursuant thereto, now, the Government has taken a policy decision reorganising the Department into two branches, viz., Executive Branch for Generation with 17 demarcated posts and Electrical Civil Division with four demarcated posts. In view of this policy decision, since the respondents fall in the category of Executive Civil Division, a DPC would be constituted to consider the relative

merits of the candidates to be selected as Executive Engineer and thereafter appointment would be made according to Rules.

5. The appeal is disposed of accordingly. No costs.