

SUPREME COURT OF INDIA

Pheiroijam Rajendra Singh

Vs.

Khumanthem Jugeshwar Singh

C.A.No.8471 of 2014

(R.M. Lodha CJI., Kurian Joseph and Rohinton Fali Nariman JJ.)

04.09.2014

ORDER

1. Leave granted.
2. The present Respondent Nos. 1 to 11 (hereinafter to be referred as 'writ Petitioners') filed a Writ Petition before the Gauhati High Court, Imphal Bench challenging the seniority list of Agriculture Officers dated 27.11.1999 working in the Agriculture Department, Government of Manipur.
3. In the Writ Petition, the present Appellant and performa Respondent Nos. 13, 14 and 15 were impleaded as Respondent Nos. 2 to 5. These Respondents contested the Writ Petition and justified their seniority over the writ Petitioners.
4. Learned single Judge of the High Court on hearing the parties quashed the impugned seniority list and directed the Government to prepare a fresh list of Agriculture Officers in light of the finding, direction and observation made in the judgment. Learned single Judge also fixed time for preparation and finalisation of fresh seniority list.
5. The Respondent Nos. 2 to 5 in the writ petition filed intra-court appeal which was heard by the Division Bench. Vide its order dated 1.9.2011, the Division Bench maintained the order of the learned single Judge. The intra-court appeal was thus dismissed. It is from this order that the present Appeal has arisen.
6. Mr. P.P. Rao, learned senior counsel for the Appellant, referred to the affidavit of the Appellant, which is handed over in Court, wherein he has informed the

Court about the events that have taken place subsequent to the filing of the present Appeal. Affidavit is taken on record. In particular, reference has been made to the request made by 7 writ Petitioners by their communication dated 5.12.2013 addressed to the Director of Agriculture, Manipur. The said communication reads as under:

To,

Imphal, 5th December, 2013

The Director of Agriculture, Manipur.

Subject: Request for filling up of 10(ten) vacant post of Deputy Directors/equivalent in the Department of Agriculture, Manipur

Sir,

We, the undersigned Agriculture Officers have the honour to lay down following few lines for your kind perusal and further necessary action:

- i. That, we are the senior most Agriculture Officers to the Agriculture Department, Manipur and put up more than 30 (thirty) years of regular service in the Department.
- ii. That, some of us are also going to retire on 28.02.2014 on attaining the age of superannuation.
- iii. That, at present there are 10(ten) vacant post of Deputy Director/Equivalent lying vacant in the Department.
- iv. That, being aggrieved by the seniority list of Agriculture Officers published on 27-11-1999, we the undersigned contested the said seniority list by filing Court Cases. However, the said court cases are still pending and as such our chance for getting promotion to the posts of Deputy Director/Equivalent is being denied because of the pending Court Cases.
- v. That, as some of us are getting retired on 28-02-2014, we request you kindly to move for holding the DPC meeting for filling up the above 10(ten) vacant post of Deputy Director/Equivalent lying vacant in the Department

based on the existing seniority list of Agriculture Officer notified on 27-11-1999.

vi. That, we do not have any objection in holding the said DPC based on the existing seniority list published on 27.11.1999.

In view of above, we the undersigned request you kindly to take up the matter with the competent authority for holding the said DPC on the basis of the existing seniority list of Agriculture Officer published on 27-11-1999 at an early date.

7. A perusal of the above communication shows that though the writ Petitioners were aggrieved by the impugned seniority list dated 27.11.1999, but in view of the impending retirement of some of them, 7 writ Petitioners desired not to contest the seniority list dated 27.11.1999 and instead they requested the Director to consider their case for the 10 vacant post of Deputy Director/Equivalent. It seems that the remaining 4 writ Petitioners did not join in the above communication as they had already retired from service.

8. We are informed that the Director of Agriculture acted on the request made by the 7 writ Petitioners, DPC was held and, except 2 of them who were not found fit for promotion, the other 5 were then promoted vide order dated 27.2.2014, i.e., a day before their retirement.

9. In view of the above subsequent events which are not disputed by Mr. S.P. Singh, learned senior counsel for the State of Manipur, we are satisfied that merits of the diverse contentions raised in the Appeal need not be examined by us.

10. The impugned orders stand modified by treating the seniority list dated 27.11.1999 effective for the purposes of promotion as it has already been accepted by 7 writ Petitioners.

11. Appeal is disposed of as above with no order as to costs.