

**HIGH COURT OF MANIPUR,
IMPHAL
W.A. No. 64 of 2021**

Contractor's Association, RIMS, masigi office ki leifam na RIMS Comple, Lamphelpat, masibu mahut shillibana masigi President, Shri Yurembam Devendro, masagi chahi chaorakna 56 rom suraba, apokpa Leikhidraha Y. Ibochouba Singh, leifam na Lalambung Makhong, RIMS Road, P.O. amasung P.S. Imphal West District, Manipur.

Appellant

Vs.

1. Regional Institute of Medical Sciences, mahut shillibana Director, RIMS Complex, Lamphelpat, Imphal, 795004.
2. Deputy Director, (Admn.), Regional Institute of Medical Sciences, RIMS Complex Lamphelpat, Imphal, 795004.
3. Consultant Engineer-I (Civil) CWS, Regional Institute of Medical Sciences, RIMS Complex Lamphelpat, Imphal, 795004.

Respondents

**IKAIKHUMNABAGI MASAK OIRABA CHIEF JUSTICE SANJAY KUMAR
AMASUNG IKAIKHUMNABAGI MASAK OIRABA
JUSTICE M.V. MURALIDARAN GI COURT TA.**

Appellant gi maikaida lepliba	:	Mr. Tim Haobam, Advocate
Respondent sing gi maikaida lepliba	:	Mr. M. Devananda, Advocate
Order takhiba tarikh	:	20-09-2022

Order (Chinhai oina)

Sanjay Kumar (C.J) na taba :

- [1] Tarikh 21-10-2021 da Court asigi learned Judge na takhiba judgment amasung order adugi matung inna masina takhiba W.P. (C) No. 449 of 2021 adubu Kakthatkhiba aduda pendraduna, Contractors' Association, RIMS na appeal asi tharakpani.
- [2] Appellant oiriba Association gi maikeida leplibaba Mr. H. Tarunkumar, learned Counsel bu mahut shinduna leplibaba Mr. Tim Haobam, learned Counsel na haibadu tare; amasung Regional Institute of Medical Sciences (RIMS), Imphal gi maikeida leplibaba Mr. M. Devananda, learned Counsel na haibasut tare.
- [3] Writ Petition aduda mapung oina shingnarakhiba asi 'Contractor sing (Civil & Electrical) maming hapchinba amasung nouna ayaba piba' haibagi matangda tarikh 08-06-2021 da Consultant Engineer-I (Civil), RIMS, Imphal na thokhiba notice aduni. Notice aduna hairibadi asini madudi RIMS ki contractor sing gi maming hapchinba adugi matangda semba Rule sing adu Contractor Enlistment Committee, RIMS na ayaba pikhre amasung masigi matangda matik charaba amadi masibu pambiba firm sing, contractor sing pumnamak na tongan-tonganba makhal sing amasung kanglup sing da maming hapchinnabagidamak darkhast tharakpa mathou tagani. Houjik-houjik maming yaoraba contractor sing su nouna amuk ayaba pibinabagi darkhast tharakpa mathou tai. Masigi notice asi Contractor Enlistment Committee, RIMS, Imphal na ayaba pibaga loinana thokhibani hairi. Notice asida panbada, asumna ayaba piraba rule sing adu RIMS, Imphal gi website ta su thagatkhre. Electrical contractor sing gi matang da maduda yaoriba rule 3 gi matung inna, contractor sing gi maming hapchinba adu RIMS ki Consultant Engineer amasung Superintending Engineer yaoba committee amana tourakpa prastab aduda yumfam oiraga RIMS ki Director na tougani.

Madugi matung tarakpada, tarikh 08-06-2021 da thokhiba notice adugi makha tarakpa oina Consultant Engineer-I (Civil), RIMS, Imphal na tarikh 15-07-2021 da Corrigendum ama thokhi, maduda asumna hai madudi RIMS ki contractor sing gi maming hapchinbagi matangda thokpa rule sing adu khara semdok-semjin toure. Electrical contractor sing gi matangdadi asumna semdok-semjin touraba rule sing adugi matung inna, makhoigi maming hapchinba asi RIMS ki Director na matam-matam gi semgadaba Committee amana rourakpa prastab aduda yumfam oiraga RIMS ki Director na tougani.

Appellant oiriba Association asi RIMS, Imphal na maming hapchinduna leiraba Contractor sing yaowe; amasung masi Manipur Societies Registration Act, 1989 gi makhada register touraba society Amani. Contractor sing maming hapchinbagidamakta samba Committee sembagimatang da hongdok-hongjin toubaba thoudou sing adu yenglaga Appellant oiriba Association na, chathariba Writ Petition asi tharaduna, case asi tharakhibani.

- [4] Adum oinamak, Contractor Enlistment committee semkhiba order adugi copy ama Association na puthorakte amasung madu yaodana cause of action amata leite haiba wafamda yumfam oiraduna learned judge na Association gi maiyokta rai takhi. Learned judge na asumna su thamkhi madudi anouba contractor sing maming hapchinnaba amasung leiriba contractor singbu nouna ayaba pinabagidamakta application sing koukhiba, tarikh 08-06-2021 da thokhiba notice aduda asoiba karisu leikhida. Makha tana, Association masamakna notice adugi paokhum pinnaba matam sangdokpinaba haijarakhibana, learned judge na asumna thamkhi madudi hairiba notice aduda khut thingjannabagi maram amata leite.
- [5] Appeal asigi hearing chatharakpada, tarikh 08-06-2021 da thokhiba chayetnariba aduga mari leinaba original file adu puthoknaba RIMs, Imphal da yathang pikhi. Original file adu kupna paraba matung thoklakkhiba khannagadaba wafamsing adu takladuna, yamna macha khaina eraba order ama tarikh 08-12-2021 da takhi. Order asina asumna thammi madudi note file aduna thoudok sing gi mathang-manao adu mapung fana amasung mawong chumna takkhida. Akaknana hairabada, rule sing adu semdok-sadok paga marileinana famkhiba yamna maru oiba meefam oikhiba, tarikh 09-03-2021 da famkhiba meefam adugi matangda maduda karisu pande. Meefam asigi matang da note file da karisu eede; amasung Court asina akaknana asumna thamkhi madudi meefam ama yeithokpangi matangda faoba note file aduda yamna kupna neinaba leirabasu, rule sing semdok-sadokpangi matangda wa khannakhiba amasung madugi matangda firep loukhiba meefam amagi matangda karigumba ayeeba amata leite haibasi yabada wana thok-e. Makha tana, Director, RIMS, Imphal gi office chamber da tarikh 09-03-2021 gi office chamber da 'tarikh 9-03-2021 gi ayukki pung 11 da pangthokkhiba meefam adugi proceeding sing' adu original file aduda yaowe; maduda asumna ee madudi Committee na draft rule sing adu ayaba pikhre amasung Contractor sing maming hapchinba amasung nouna ayaba pinabagidamakta thokpa notice adu institute ki website ta amasung lamdamsigi nungtigi fongba maru oiba pao-che ahum da fongba haina warep loukhi. Meefam asida ayaba pikhi hairiba draft rule sing adu notice aduga loinana hapkhi amasung maduda yaokhiba clause 3 (lanna clause 6 haina utkhiba) aduna asumna hai madudi makhal khuding gi contractor sing maming hapchinba asi Professor Indibor, HOD, Radiotherapy, Professor AK Brogen, Dean and HOD Community Medicine amasung consultant Engineer, RIMS yaoba committee amana tourakpa prastab aduda yumfam oiraga, RIMS ki Director na tougani. Adum oinamak, ayaba pikhi hairiba draft rule sing adusu Respondent Nos. 1, 2 & 3 gi Affidavit-in-Opposition ga loinana Court ta thajillakkhi amasung maduda yaoriba clause 3 adu khetnana yaowe. Maduda asumna hai madudi RIMS ki Director na matam-matangi shemgadaba committee amana tourakpa prastab aduda yumfam oiraga, contractor sing maming hapchinba adu RIMS ki Director na tougadabani. Masigi clause asi tarikh 09-03-2021 da ayaba pikhiba Draft Rule sing aduda yaoba clause aduga tasengna chanadre. Masigi matung inna, masigi mannadriba sing amasung khetnariba asi sandokna takladuna Additional Affidavit ama lankhatlaknaba RIMS, Imphal da yathang toukhi.

- [6] Madugi matungda, Consultant Engineer-I (Civil), RIMS, Imphal na tarikh 18-02-2022 da Affidavit ama lankhatlakhi. Maduda mahakna asumna hai madudi tarikh 09-03-2021 da meefam ama pangthokkhrabasu note fileda tonganba oina esinba toukhide amasung madu No. CE/CWS/Enlistment/RIMS/21-22 haiba part file amada esinduna yaokhi. Note file da karigumba amata ekhidabana amasung part file ama thambagi matangda asigumba anouba kaya tounadaba thouwong asi toukhibano haibagi matangdadi thoidokna sandokna takte. Professor Indibor, Professor AK Brogen amasung Consultant Engineer yaoba committee adu sembagi thabak adu karigidamakta toukhibano haibagi matangda mahakna sandokna takkhi. Mahakna haibagi matung inna, asumna toukhiba asi tarikh 09-03-2021 da famkhiba meefam aduda toukhibani. Adum oinamak, asumna hairiba asi yaobada matik chade maramdi tarikh 09-03-2021 da famkhiba meefam aduda ayaba pikhiba draft rule sing adu semdok-semjin toukhide amasung maduda asumna makha tana eduna lei madudi committee adu Professor Indibor, Professor AK Brogen amasung Consultant Engineer yaogani. Director, RIMS khaktagi aningba matung inna committee adu sembada ayaba pikhiba tonganba meefam amata madugi matungda pangthokkhidaba malli.
- [7] Contractor sing maming hapchinba amasung nouna ayaba pibagidamakta Committee sembagi matangda RIMS, Imphal gi thabak-thouram pangthokpada nung-pan faoba watpa lei haibadu mayek sengna utpa chusinnadaba sing, channadaba sing amasung taionnaba sing mayam ama record tagi thoklakpa asi yenglaga, committee sembagi matungda rule sing samba yaona, khudingmakta wafam asi nouna yengsinba asi fagani; madugi matung khaktada, contractor sing maming hapchinba amasung nouna ayaba pinabagidamakta application sing koubagi notice thokpa yai. Asumna maming hapchinba amasung nouna ayaba pibagi thabak pangthoknabagidamakta committee sembagi matangda mannadaba wafamsing leiba asi yenglaga RIMS, Imphal bu tarikh 08-06-2021 da thokkhiba chayetnariba notice adugi matung inna thabak paikhatpada ayaba piba asi fajaba oide. Masidasu nattana, RIMS, Imphal gi makok oiriba thouburoi asi yamna kuidabida hongdok-hongjin touragani haina Court asida khanghallak ee.
- [8] Masigi matung inna, W.A. No. 64 of 2021 asi ayaba pire amasung tarikh 08-06-2021 da thokkhiba chayetnariba notice adu chatnahandre amadi mathakta pankhiba RIMS, Imphal gi anouba makok-thongba thouburoising gi makhada committee sembaga mari leinaba rule sing yaona thoklakpa wafam khudingmak khannaraba matung RIMS, Imphal na nouna notice thokpaga ayaba leigani.

Leiriba fivamsing asida, case ta changkhiba shel gi matang dadi order amata tararoi.