
(2006) 03 GAU CK 0067
In the Gauhati High Court

Kamei Achung Kabui

APPELLANT

Vs

State of Manipur and Anr.

RESPONDENT

Date of Decision : 20-03-2006

Acts Referred:

Citation : (2006) 03 GAU CK 0067

Hon'ble Judges : T.Nanda Kumar Singh, J

Bench : Single Bench

Advocate : S.Rupachandra Singh, Th.Ibohal Singh, Advocates appearing for Parties

Judgement

1. Heard Mr. S. Rupachandra, learned counsel for the petitioner as well as Mr. Th.Ibohal, learned GA for the respondents.

[2] On considering the submission of learned counsel of both the parties, this court is of the considered view that this writ petition could be disposed of with a simple direction at this stage.

[3] The petitioner sought the simple direction on the fact that the petitioner's father namely, K. Ibocha Kabui was serving as a sweeper at the DM College of Science, Government of Manipur on regular basis and died on 17.3.2002 due to illness. Service of the petitioner's father had been terminated w.e.f. the date of his death i.e. on 17.3.2002.

[4] The learned counsel for the petitioner submits that the case of the petitioner is covered by the office memorandum of the Government of Manipur being No.20/1/85DP dated 4.10.2001 for appointment of the dependant of the Government employee who died in harness on compassionate ground. Copy of the said office memorandum dated 4.10.2001 is available at AnnexureA/5 to the present writ petition. He also further submits that because of certain difficulties in processing the application for appointment under the Dieinharness scheme in respect of the dependant of the government employee who died before implementation of the office memorandum dated 29.10.2002, Government of

Manipur issued an office memorandum being No.20/15/2002DIH/DP Imphal the 11.12.2002 for clarification regarding the implementation of the application for appointment under Dieinharness scheme. The said office memorandum dated 11.12.2002 reads as follows:

?No.20/15/2002DIG/DP: Departments of the Government have been seeking clarifications regarding various issues relating to implementation of the Dieinharness scheme vis?vis this Department's O.M. of even No. dated 29.10.2002. In this regard the following is clarified:

(i) The Dieinharness scheme has been abolished vide Department of Personnel's Order No.20/1/85DP dated 15.6.2002. Therefore, the Administrative Departments, shall not process any applications for appointment under the Dieinharness scheme received on or after 15 June, 2002.

(ii) The restrictions on appointments under the Diein harness scheme imposed vide this Department's OM No.20/1/85DP dated 4.10.2001 shall be applicable only to applications received during the period from 4 October, 2001 to 14th June, 2002. Applications received prior to 4 October 2001 shall continue to be governed by Department of Personnel's OM No.20/1/85DP dated 13 January, 1999.

(iii) All other instructions contained in this Department's OM of even No dated 29.10.2002 shall be strictly adhered to.?

[5] After the death of his father the petitioner being eligible for appointment under the relevant Dieinharness filed a representation dated 20.4.2002 to the Director of Education (U), Government of Manipur but for the reasons best known to the respondents, the said representation filed by the petitioner for appointment under the Dieinharness scheme is still pending.

[6] Taking into consideration of the submission of learned counsel of both the parties, this writ petition is disposed of by directing the respondents to consider the case of the petitioner for appointment under the relevant Dieinharness scheme as expeditiously as possible subject to his seniority position in the list of applicants for appointment under the Dieinharness maintained by the department.

[7] The whole exercise should be completed within a period of 6 (six) months from the date of receipt of this judgment and order.

Accordingly, the writ petition is allowed.