
(2005) 07 GAU CK 0029
In the Gauhati High Court

Ngamtinlet Haokip

APPELLANT

Vs

State of Manipur and Anr.

RESPONDENT

Date of Decision : 18-07-2005

Acts Referred:

Citation : (2005) 07 GAU CK 0029

Hon'ble Judges : M.B.K.Singh, J and T.Nanda Kumar Singh, J

Bench : Division Bench

Advocate : S.T.Kom, Ch.Bidyamani Devi, Advocates appearing for Parties

Judgement

M.B.K Singh, J.—Heard Mr. S.T. Kom, learned counsel appearing on behalf of the petitioner and Smt. Ch. Bidyamani Devi, learned Addl. Government Advocate appearing for the respondents.

2. This writ petition has been filed praying for quashing the order being No. 1/392/03DIPR(Pt.)/2266 dated 28.6.2004, a copy of which is at AnnexureA/5 issued by the Director, Information & Public Relation, Government of Manipur purportedly with the approval of the concerned Administrative Department, by which the application of the petitioner for appointment under the dieinharnessinharness scheme against the vacancy caused by the expiry of his mother, Mrs.Lamtin Haokip, who was serving as Peon in the Department of Information & Public Relation, Government of Manipur, was not considered on the ground that he was found to have been in receipt of pension and that his deceased mother had not rendered 5 years of regular service. At the same time, petitioner is praying for directing the respondents to consider his case for appointment to any suitable post under the dieinharnessinscheme covered by Office Memorandum dated 13.1.1989 read with Office Memorandum dated 1.12.95 and 2.7.1989.

3. On perusal of the above said order dated 28.6.2004, it is ascertained that the petitioner's case for giving appointment was not considered mainly on the ground that he was not eligible for such consideration in terms of paras 13 and

14 of the Revised Scheme of dieinharness issued by the State Government vide Office Memorandum being No. 20/1/85DP dated 4.1.2001. As per the records, the petitioner's mother, who was serving as a Peon in the Department, expired on 3.6.2001 after rendering service for 4 years, 11 months and 11 days. There is no dispute that the petitioner made a representation to the respondent No. 2 on 10.8.2001 praying for appointment under the dieinharness scheme. The said date of making his representation is found mentioned in the letter bearing No. 1/392/03DIPR(Pt)/2150 dated 20.5.2004, written by Director (Information & Public Relation), Govt. of Manipur, a copy of the said letter is at AnnexureA/4. Since the petitioner's representation was made before 4.10.2001, the concerned authority ought to have considered the case of the petitioner for appointment under the scheme available under the Department of Personnel's Office Memorandum No. 20/1/85DP dated 13.1.1989 instead of under the said Revised scheme of diein harness available under Office Memorandum dated 4.10.2001. This position was clarified that by the Office Memorandum dated 11.12.02 issued by the Joint Secretary(DP & AR), Govt. of Manipur, copy of which is at AnnexureA/6.

4. In view of the above finding, the impugned order dated 28.6.2004 is not sustainable in the eye of law. It was not passed after due consideration of the petitioner's case under the relevant applicable scheme of dieinharness. Accordingly, the said order dated 28.6.2004 is hereby quashed. Petitioner's case has not been considered in compliance with the order of this Court passed on 29.3.2004 in WP(c) No. 1598 of 2003. It is ordered that the appropriate authority under the Government of Manipur shall consider the representation of the petitioner again in accordance with the scheme of dieinharness available under the Office Memorandum date 1.12.1995 and 2.7.1996 within a period of 90 days from the date of receipt of a copy of this order.

5. Petitioner is to submit a copy of his said representation again along with a copy of this order to the concerned authority within a period of one week from today.

6. This writ petition stands disposed of.