
(2025) 03 MAN CK 0558
In the Manipur High Court
Case No : Writ Petition (C) No. 478 Of 2019

Thoudam Raghumani Singh	Vs	APPELLANT
State Of Manipur Represented By Principal Secretary & Ors.		RESPONDENT

Date of Decision : 13-03-2025

Acts Referred:

Citation : (2025) 03 MAN CK 0558

Hon'ble Judges : Ahanthem Bimol Singh, J

Bench : Single Bench

Advocate : Rinika Maibam, L. Monomala

Final Decision : Disposed Of

Judgement

Ahanthem Bimol Singh, J

[1] Heard Ms. Rinika Maibam, learned counsel appearing for the petitioner and Mrs. L. Monomala, learned GA appearing for the respondents.

The present writ petition has been filed challenging the order dated 29-03-2019 issued by the Principal Secretary (H&SC), Government of Manipur, rejecting the claim of the petitioner for his appointment under the Die-in-Harness Scheme and also with a prayer for directing the respondents to re-consider his case for appointment to any Grade – III or IV post commensurate with his educational qualification under the Die-in-Harness Scheme in the Horticulture and Soil Conservation Department, Government of Manipur.

[2] The brief facts of the case are that the petitioner's father, viz., Shri Late Th. Amutomba Singh expired on 21-05-2003 while serving as a regular SCO in the Horticulture & Soil Conservation Department, Government of Manipur. Upon such demise of the petitioner's father, an application dated 19-07-2023 was submitted by the petitioner's mother, who is the wife of the deceased Government employee, to the Director of Horticulture and Soil Conservation, Manipur, requesting for appointment of her daughter, Km. Th. Bidyarani Devi, who is the

elder sister of the petitioner.

During that particular time of submitting the said application, the scheme for appointment under the Die-in-Harness Scheme was abolished by the Government by an order dated 15-06-2002, however, the Die-in-Harness Scheme was subsequently restored by the Government by issuing an order dated 16-12-2006. Thereafter, under an Office Memorandum dated 06-06-2007 issued by the Government, it is, inter alia, provided that all applications submitted in between 15-06-2002 and 16-12-2006 shall be treated as invalid applications and that applicants whose applications have been treated invalid should submit fresh applications to the concerned department within two months from the date of issue of the said Office Memorandum.

[3] Subsequent to the issuance of the aforesaid Office Memorandum dated 06-06-2007 and in compliance with the instructions contained in the said Office Memorandum, the petitioner's sister, who was the original applicant, submitted a fresh application dated 20-06-2007 to the Director of Horticulture & Soil Conservation, Manipur, requesting for her appointment against any suitable post under the Die-in-Harness Scheme. Later on, when the petitioner's sister, who was the original applicant, got married, the petitioner submitted an application dated 25-04-2011 along with all relevant documents to the authorities with a request for his appointment against any suitable post under the Die-in-Harness Scheme. Upon receipt of such an application, the Director of Horticulture & Soil Conservation, Manipur, forwarded the said application to the Government under cover of a letter dated 24-06-2011 for change of nominee from the petitioner's sister in favour of the petitioner on the ground of the marriage of the petitioner's sister.

[4] Upon consideration of the petitioner's case for his appointment under the Die-in-Harness Scheme, the authorities found him not eligible for such appointment in terms of para (v) of the Office Memorandum dated 01-04-2011 as the petitioner was found to be only ten years, two months and fourteen days old at the time of expiry of his father. Accordingly, the claim made by the petitioner for his appointment under the Die-in-Harness Scheme was rejected by the Government by issuing an order dated 11-08-2015. For ready reference, para 1(v) of the aforesaid Office Memorandum dated 01-04-2011 is reproduced hereinbelow:-

"1(v) to consider cases in which the applicant was 15 years of age when his/ her father/ mother and unmarried brother/ sister expired provided that the application is submitted within 3(three) years from the date of expiry of the Government servant."

[5] Feeling aggrieved, the petitioner assailed the said order dated 11-08-2015 by filing a writ petition being WP(C) No. 710 of 2015 in this court. The said writ petition was allowed by a judgment and order dated 08-08-2017 thereby holding that the impugned Government order dated 11-08-2015 was not sustainable in

law and consequently, issued a direction to the respondents to re-consider the case of the petitioner sympathetically within a period of thirty days from the date of receipt of a copy of the said judgment and order and to issue a speaking order in respect thereof.

When the authorities of the State Government failed to implement the direction given by this court in the aforesaid judgment and order, the petitioner filed a contempt petition being Cont. Case (C) No. 176 of 2017 against the concerned authorities of the Government. The State Government also preferred an SLP before the Hon'ble Supreme Court of India challenging the aforesaid judgment and order dated 08-08-2017 passed by this court in WP(C) No. 710 of 2015. However, the said SLP was dismissed as being withdrawn with liberty to file a writ appeal before this court but no appeal has been preferred by the Government against the aforesaid judgment and order thereby rendering the said judgment and order as final.

[6] Ultimately, the Principal Secretary (H&SC), Government of Manipur, issued an order dated 29-03-2019 purportedly in compliance with the direction given by this court in its judgment and order dated 08-08-2017 passed in WP(C) No. 710 of 2015 thereby rejecting the claim made by the petitioner for his appointment under the Die-in-Harness Scheme. The only ground given by the authorities in the said order for rejecting the claim of the petitioner is that the petitioner's sister, who was the first nominee/ applicant did not submit fresh application within the prescribed two months period as required under para 1(ii) of the Office Memorandum dated 06-06-2007 issued in connection with appointments under the Die-in-Harness Scheme. Para 1(ii) of the said Office Memorandum reads as under:-

"1(ii) Applicants whose applications have been treated invalid as above, should submit fresh applications to the concerned Department within 2(two) months from the date of issue of this O.M."

Having been aggrieved, the petitioner assailed the said order dated 29-03-2019 by filing the present writ petition.

[7] The respondents gave the following two grounds for rejecting the claim made by the petitioner for his appointment under the Die-in-Harness Scheme:-

(i) In para 1(v) of the Office Memorandum dated 01-04-2011 issued by the Government, which has been quoted hereinabove, it is provided that only the cases in which the applicant was 15 years of age when his/ her father/ mother and unmarried brother/ sister expired should be considered. As the petitioner was less than 15 years of age at the time of expiry of his father, the petitioner is found not eligible for appointment under the Die-in-Harness Scheme; and

(ii) As the petitioner's sister, who was the first nominee, did not submit fresh application to the authorities within two months from the date of issue of the Office Memorandum dated 06-06-2007 as provided under para 1(ii) of the said

Office Memorandum, the claim of the petitioner had been rejected.

[8] In respect of the ground No. 1 raised by the respondents, it is to be pointed out that on this ground, the authorities have already rejected the claim of the petitioner for his appointment under the Die-in-Harness Scheme by issuing an order dated 11-08-2015 (at Annexure – A/8). The said order was challenged by the petitioner by filing a writ petition being WP(C) No. 710 of 2015 in this court and the said writ petition was allowed by a judgment and order dated 08-08-2017 passed in the said writ petition. In the said judgment and order, this court has already held that the impugned Government order dated 11-08-2015 was not sustainable in law and directing the authorities to re-consider the case of the petitioner sympathetically within a period of thirty days from the date of receipt of a copy of the judgment and order and to issue a speaking order in respect thereof.

Even though the said judgment and order was assailed by the State Government by filing an SLP before the Hon'ble Supreme Court, the same was also dismissed as being withdrawn with liberty to file a writ appeal before this court, however, no writ appeal has been filed by the State Government and as such, the said judgment and order passed in favour of the petitioner has attained finality. Accordingly, this court is of the considered view that the respondents cannot raise the first ground again as the same is barred by the principle of res-judicata.

[9] So far as the second ground is concerned, the ground given by the respondents for rejecting the claim of the petitioner is factually incorrect, inasmuch as, it is on record that the petitioner's sister, who was the first nominee, submitted a fresh application dated 20-06-2017 to the Director of Horticulture & Soil Conservation Department, Manipur, requesting for appointing her to any suitable post on compassionate ground, as provided at para 1(ii) of the Office Memorandum dated 06-06-2007. The existence of the said application dated 20-06-2007 submitted by the petitioner's sister and the receipt thereof by the Office of the Director of Horticulture & Soil Conservation Department, Manipur, is not controverted or denied by the respondents. Accordingly, this court is of the considered view that the rejection of the petitioner's claim for his appointment under the Die-in-Harness Scheme on this ground is unsustainable and the impugned order dated 29-03-2019 deserves to be quashed and set aside.

[10] In view of the facts and circumstances of the present case and the findings and reasons given hereinbelow, this court is of the considered view that the petitioner is entitled to the reliefs sought for in the present writ petition. In the result, the impugned order dated 29-03-2019 is hereby quashed and set aside. The respondents are further directed to appoint the petitioner to any suitable post commensurate with his educational qualification in the Horticulture & Soil Conservation Department, Manipur, under the Die-in-Harness Scheme. It is made clear that the whole process of appointing the petitioner should be completed within a period of two months from the date of receipt of a certified copy of this order.

With the aforesaid directions, the present writ petition is disposed of. Parties are to bear their own costs.