

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

W.P. (C) No. 1145 of 2018

1. Kabrabam Sanjoy Singh, aged about 39 years, S/o (L) K. Kameshor Singh who is Ex-Head Lineman in the Electricity Department, Government of Manipur of Uripok Sorbol Thingel Kabrabam Leikai, P.O & P.S. Imphal, Imphal West District, Mainpur.
2. Lentin hao Kom aged about 33 years, S/o (L) Khomjir Kom who is Ex-JCC in the Electricity Department, Government of Manipur of Leimakhong, Sadar Hills, P.O Mantripukhri, P.S Gamnom Sapormeina, Kangpokpi District (now Senapati District), Manipur.

Petitioners

-Versus-

1. The State of Manipur represented by the Secretary (Power), Secretariat, Government of Manipur, PO & PS- Imphal, Pin No. 795001.
2. The Chief Engineer (Power), Electricity Department, Keishampat, Government of Manipur, PO & PS-Imphal, Pin No. 795001.
3. The Administrative Officer (Power) Imphal, Keishampat, Government of Manipur, PO & P.S- Imphal Pin No. 795001.
4. The Manipur State Power Distribution Company Ltd. through its Managing Director, Keishampat, Government of Manipur, PO & P.S- Imphal Pin No. 795001
5. The Manipur State Power Company Ltd. through its Managing Director, Keishampat, Government of Manipur, PO & PS- Imphal Pin No. 795001
6. The Chief (DP), Secretariat, Government of Manipur, PO & PS- Imphal, Pin No. 795001.

Respondents

BEFORE

HON'BLE THE CHIEF JUSTICE MR. SIDDHARTH MRIDUL

For the petitioners :: Mr. S. Rupachandra, Sr. Advocate

For the respondents :: Mr. S. Nepolean, Sr. Advocate

Date of order :: 15.12.2023

ORDER (ORAL)

Siddharth Mridul, C.J.:

[1] The present writ petition has been instituted on behalf of the petitioners, Kabrabam Sanjoy Singh and Lentinhao Kom, hereinafter referred to as petitioner No. 1 and petitioner No. 2 respectively, praying as follows:-

“In the premises stated above, Your Lordships may be graciously pleased:

- i) to admit this Writ Petition and issue a rule nisi;
- ii) to quash & set aside the impugned order dated 05/10/2018 as the same is not reasonable and acceptable (A/20);
- iii) to direct the respondents to consider and approve the case of appointment of the Petitioners as proposed post mentioned in the letter dated 28-02-2018 under Die-in- harness Scheme (A/15);
- iv) to pass similar order as contained in A/18;
- v) to pass any appropriate direction/ order which the Hon'ble Court may deem fit and proper to meet ends of justice;”

[2] In view of the circumstance that the controversy that arises for determination in the present proceeding falls within a very narrow compass; with the consent of the learned senior counsel appearing on behalf of the parties; the same is taken up for hearing finally and disposed of by way of the following order.

[3] It is an admitted position that (Late) K. Kameshor Singh and (Late) Khomjir Kom, who were the fathers of the petitioner Nos. 1 & 2 respectively, were employed as Head Lineman and JCC in the Electricity Department, Government of Manipur respectively; and expired on 11.10.2002 and 05.09.2003 respectively, while in service.

[4] It is an admitted position that at the time, the State of Manipur, had in force, a scheme called the Die-in-Harness Scheme, which was abolished by them on 15.06.2002.

[5] However, the State of Manipur restored the subject Die-in-harness Scheme with effect from 16.12.2006. The petitioner No. 1 and petitioner No. 2 had at the time submitted representations to the State of Manipur on 07.11.2002 and 26.02.2008 respectively. The said representations were, however, rejected by the State of Manipur *vide* order dated 05.10.2018 impugned in the present writ petition.

[6] On behalf of the State of Manipur, it has been contended that whilst restoring the Die-in-harness Scheme, *vide* Office Memorandum dated 06.06.2007, conditions had been stipulated to the effect that firstly earlier applications shall be invalid and that all applicants were required to apply afresh. It was further stipulated that the subject Office Memorandum dated 06.06.2007 required the subject fresh applications to be filed between 06.06.2007 and 05.08.2007, failing which the same would not be considered for appointment.

[7] In other words, it is the position of the State of Manipur that, since petitioner No. 1 re-submitted his application on 24.08.2007 and petitioner No. 2 applied only on 26.02.2008, the said applications were filed beyond 05.08.2007, i.e. the last stated date for submission thereof, in terms of the Office Memorandum dated 06.06.2007; and that resultantly, they were disentitled from availing the benefit of the subject Die-in-harness Scheme.

[8] In this behalf, the petitioners contend that the State of Manipur cannot place reliance upon the said Office Memorandum dated 06.06.2007, in as much as, the said Office Memorandum was not published for information of the general public, in accordance with law. In this behalf, it is urged on behalf of the official respondents that the said Office Memorandum dated 06.06.2007 was published in local daily newspaper, namely, 'Sangai Express' on 09.06.2007.

[9] In the considered view of this Court, the argument made on behalf of the State of Manipur is untenable and cannot be countenanced in law. It is trite to state that if a particular act is required to be done in a particular manner, it can only be done in that manner and no other **[Nazir Ahmad Vs. King Emperor reported in AIR 1936 PC 253]**. In this behalf, it is observed that it can be nobody's case that, publication of an Article in a newspaper, would tantamount to notifying an Office Memorandum. The said procedure is axiomatically alien to law.

[10] In our considered view, the State should be strictly held to the high standards by which it professes its conduct to be judged.

[11] Consequently, the rejection of the fresh applications filed on behalf of the petitioners on 24.08.2007 and 26.02.2008, on the ground that they were made consequent upon the last date of 05.08.2007, in terms of the said Office Memorandum dated 06.06.2007; is not sustainable in law and deserves to be quashed. The petitioners' applications cannot be rejected, merely on such a flimsy and untenable ground.

[12] In this view of the matter and upon consideration of the facts and circumstance of the case, the impugned order dated 05.10.2018 is set aside and quashed. The official respondents are directed to re-consider the case of the petitioners under the Die-in-harness Scheme for appointment to any commensurate post in terms of their educational qualification subject to fulfilling any other criteria under the relevant rules.

Let the directions issued by this court be taken and completed within a period of 3 (three) months from the date of receipt of a copy of this order.

Writ petition is accordingly allowed.

No costs.

CHIEF JUSTICE

Sandeep