

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

WP(C) No. 6 of 2024

Sorokhaibam Amarjit Singh

.....Petitioner/s

- Versus -

State of Manipur & 3 Ors.

.... Respondent/s

BEFORE
HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA

Order

24.09.2024

[1] Heard Mr. M. Rendy, learned counsel for the petitioner and Mr. H. Debendra, learned Dy. A.G. assisted by Mr. Thanyomi Keishing, learned counsel for the State respondent.

[2] The petitioner approached this Court for giving direction to the State respondent for expediting appointment under the die-in-harness scheme in an appropriate post within a stipulated time.

[3] The prayer is reproduced as:

- “(i) To admit the present writ petition.*
- (ii) To issue rule nisi calling upon the respondent to show cause as to why prayer made by the petitioner shall not be granted in the facts and circumstances of the present petition.*
- (iii) To issue a writ in the nature of Mandamus/certiorari or any other appropriate writ/directions/orders, directing to implement/execute the Letter No. b-1/22/97-SP(IE)/1588 dated 20th September, 2023 (at Annexure-A/9) issued by the Superintendent of Police, Imphal East District, Manipur and order*

bearing No. A/1/43/SP-IE/2017 dated 20th September, 2023 (at Annexure-A/8) issued by the Superintendent of Police, Imphal East District for consideration for appointment of the petitioner to any suitable post commensurate with the petitioner's Educational qualification in the Home Department, Government of Manipur.

- (iv) To issue a writ in the nature of Mandamus/certiorari or any other appropriate writ/directions/orders, to consider for appointment under die-in-harness scheme to any suitable post in the Home Department, Government of Manipur or any other departments of the State Government in view of the order bearing No. A/1/43/SP-IE/2017 dated 20th September, 2023 (at Annexure-A/8) issued by the Superintendent of Police, Imphal East District, Manipur, and various office memoranda issued by the Department of Personnel and Administrative Reforms (DP), Government of Manipur in the facts and circumstances of the present writ petition.*
- (v) If no cause is shown or insufficient cause is shown, make the rule absolute.*
- (vi) To call for relevant records.*
- (vii) To pass any order/writ/directions which the Hon'ble Court deem fit and proper in the facts and circumstances of the present case."*

[4] It is the case of the petitioner that the father of the petitioner retired as constable in the Manipur Police. At the time of his death, the service of the petitioner's father was terminated on 17.11.2015 and later on, vide order dated 22.05.2023 passed by this Court in WP(C) No. 520 of 2022, a dismissal order of the petitioner's father's service was set aside. Further, during the pendency of the writ petition, the father of the petitioner was expired on 17.11.2015.

[5] It is stated that on the date of expiry of the petitioner's father, the petitioner could not submit an application for appointment under the die-in-harness scheme in time as he was no longer in service and his service was re-instated later on by an order of this Court. After

re-instatement, the mother of the petitioner submitted an application for appointment of the petitioner in an appropriate post under the die-in-harness scheme.

[6] Since the representation was not disposed of in time, vide order dated 22.05.2023 in WP(C) No. 520 of 2022, this Court directed the respondents to consider the representation submitted by the mother of the petitioner as per law within a period of 2 (two) months. Accordingly, representation was disposed of by a speaking order dated 20.09.2023 by the Superintendent of Police, Imphal East and observed that the application for appointment under the die-in-harness scheme could be accepted. The relevant para is reproduced as:

“Now, therefore, I, the undersigned, dispose of the application dated 28.02.2018 submitted by Smt. Sorokhaibam (O) Ibeton Leima w/o (L) C/No. 821230 S. Birachandra Singh requesting for appointment of S. Amarjit Singh s/o late C/No. 821230 S. Birachandra Singh as LDC with the observation that the instant application may be accepted.”

[7] In the counter affidavit filed by the State respondent especially in para 8, it is stated that the SP, Imphal East has recommended to accept the request for appointment under the die-in-harness scheme and the period from 19.11.2015 to 28.02.2018 may be condoned as the father of the petitioner was not in service on the relevant time. Para 8 of the counter affidavit is reproduced as:

“8. That with reference to para No. 13 of the writ petition, the answering deponent humbly submits that in compliance of the Hon'ble High Court of Manipur's order dated 22.05.2023 passed in WP(C) No. 520 of 2022, the Superintendent of Police, Imphal East District has issued a speaking order dated 20.09.2023 wherein the application dated 28.02.2018 submitted by S. Ibeton Leima requesting for appointment of S. Amarjit Singh S/o (L) Constable S.

Birachandra Singh as LDC was disposed of with the observation that the instant application may be accepted. The same speaking order was furnished to this office by the Superintendent of Police, Imphal East District vide letter No. B-1/22/97-SP(IE)/1588 dated 20.09.2023 for taking further necessary action.

On perusal of the said speaking order it is observed that, the Superintendent of Police, Imphal East District has in his view accepted the application on the ground that "even though Constable S. Birachandra Singh had expired on 17.11.2015 he was reinstated to his former post only on 17.11.2017; as such, the applicant/wife of the said constable could not apply for die-in-harness Scheme on time (i.e. within six month from the date of death as per DPS OM No. 20/1/85-DP DATED 04.10.2001 AND OM No. 20/38/2017-DIH/DP dated 07.12.2017), However, she submitted her application on 28.02.2018 i.e. within six months from the date of issue of the reinstatement order" i.e. 17.11.2017.

Keeping in view the above reasons for recommending acceptance of the application, the office of DGP vide letter of even number dated 18.01.2024 had requested the Home Department, Government of Manipur to examine the matter and convey a decision of the Government on whether to consider/accept the case of the petitioner, namely, Shri Sorokhaibam Amarjit Singh under Die-in-harness Scheme subject to eligibility as per the Recruitment Rules of LDC and condone the period in between the date of expiry of his father Constable S. Birachandra Singh i.e. 19.11.2015 and date of application for appointment under Die-in-harness Scheme i.e. 28.02.2018. "

[8] Mr. M. Rendy, learned counsel for the petitioner, submits that since the Office of the Director General of Police, Manipur has accepted the recommendation of the SP, Imphal East for considering the case of the petitioner for appointment under the die-in-harness scheme, writ petition may be disposed of by directing the respondents to issue a necessary order within a stipulated period of time.

[9] On the other hand, Mr. H. Debendra, learned Dy. A.G., submits there are many applications pending in the Home Department and the case of the petitioner may be considered as per the position of

the seniority list of the applicants under the die-in-harness scheme and in terms of the applicable rules.

[10] This Court has considered the materials on record and submissions made at the bar.

[11] It is an admitted fact that the SP, Imphal East has recommended vide his order dated 20.09.2023 for accepting the request of the petitioner for appointment on compassionate ground and in the counter affidavit filed by the Office of the DGP, Police, the recommendation of the SP, Imphal East is reiterated and also for condoning delay in not filing the application in time due to expiry of the petitioner's father and re-instated later on after his death.

[12] The respondent is directed to pass appropriate order in terms of the recommendation of the SP, Imphal East was 20.09.2023 and in terms of the contents of para 8 of the counter affidavit filed by respondent Nos. 2 & 3 herein as and when vacancies are available and as per seniority list, the applicable rules, office memorandum and guidelines in this regard.

[13] With this observation, writ petition is disposed of.

JUDGE

Kh. Joshua Maring

**KH. JOSHUA
MARING**

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KH. JOSHUA
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Date: 2024.09.26
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