

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

WA No. 18 of 2024

State of Manipur and Another

Appellants

Vs.

Wairokpam Dutta Singh and Another

Respondents

With MC(WA) No. 38 of 2024

With MC(WA) No. 39 of 2024

With WA No. 19 of 2024

BEFORE

**HON'BLE THE CHIEF JUSTICE MR. SIDDHARTH MRIDUL
HON'BLE MRS. JUSTICE GOLMEI GAIPHULSHILLU KABUI**

25.06.2024

Siddharth Mridul, C.J.:

Mrs. Ch. Sundari, learned GA, appears on behalf of the appellants and
Mr. N. Bipin, learned counsel, appears on behalf of the respondents.

Learned counsel appearing on behalf of the parties invite our attention
to the Office Memorandum dated 23rd May, 2024 issued at Imphal in relation to
appointment under the Die-in-harness Scheme.

For the sake of completeness and in view of its relevance, the entire
said Office Memorandum dated 23rd May, 2024 is extracted hereinbelow :-

**"GOVERNMENT OF MANIPUR
DEPARTMENT OF PERSONNEL & ADMINISTRATIVE REFORMS
(PERSONNEL DIVISION)**

OFFICE MEMORANDUM

Imphal, the 23rd May, 2024

Subject : Appointment under the Die-in-Harness Scheme.

No.DIH-30/1/2023-DP-DP: The Die-in-harness Scheme in the State of Manipur had been abolished vide order No.20/1/85-DP dated 15th June, 2002 and the scheme was subsequently restored on 16th December, 2006 vide order No.20/15/2002-DIH/DP dated 16th December, 2006.

2. Consequent upon the restoration of Die-in-Harness scheme, the State Government had issued certain clarifications vide OM No.20/15/2002-DIH/DP dated 6th June, 2007. Sub para (i) and (ii) of para no. 1 of the said OM is reproduced below:

- i. The Die-in -Harness scheme was abolished vide orders dated 15-6-2002. The OM of even no. dated 29-10-2002 clearly states that no application for appointment under the Die-in-Harness Scheme should be received. Therefore, all applications submitted in between 15-6-2002 and 16-12-2006 shall be treated as invalid applications.*
- 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 OM”.*

3. It has now been brought out that the above referred OM No. 20/15/2002-DIH/DP dated 6th June, 2007 was not published in newspapers for general information of the general public, barring a mention of the same as news item in few newspaper. As a result of such lack of information, it is likely that many persons who might have been desirous of seeking employment under the Die-in-Harness Scheme may not have submitted applications for appointment as required under para 1 (ii) of the said OM.

4. In consideration of these circumstances, and in the interest of fairness and justice, the State Government has decided to give one opportunity to such persons for enabling him/her to submit fresh applications for appointment under the scheme, by way of relaxation of para no. 1 (ii) of OM No. 20/15/2002-DIH/DP dated 6th June, 2007, subject to the following conditions:

4.1 Submission of fresh applications for appointment to the concerned Department will be permissible within a period of 2 (two) months from the date of publication of this OM in the official gazette.

4.2 Applications submitted on expiry of the said prescribed time frame as above, shall be treated as null and void and will stand automatically rejected. No separate correspondence will be made in this regard to such applicant.

4.3 This relaxation is a one-time measure.

4.4 *Such relaxations shall be applicable only in connection with such government employees who had died in harness during the period between 15-06-2002 and 16-12-2006.*

4.3 *Applications for appointment, which were previously submitted under para 1(ii) of OM dated 6th June, 2007, and had been subsequently rejected on grounds of non-fulfilment of age criteria, incomplete documents or any other eligibility criteria as prescribed under the extant rules/guidelines of the Die-in-Harness Scheme, as may have been issued by the State Government from time-to-time, in respect of government employees who had died in harness during the period between 15-06-2002 and 16-12-2006, shall not be covered by this relaxation and the status of such applications shall remain as 'rejected'.*

4.6 *The seniority position of an applicant under this OM, shall be fixed by the concerned Department based on the date of expiry/death of the deceased government employee.*

4.7 *Applicants who had already submitted their applications as per para no. 1 (ii) of the OM dated 6th June, 2007 within the time frame prescribed therein, need not be submit again.*

5. *These instructions shall come into force with effect from the date of publication of this Office Memorandum in the official gazette.*

PH. BHAVANANDA SHARMA,
Joint Secretary to the Government of Manipur."

Learned counsel appearing on behalf of the original writ petitioner says that in view of the terms of the said Office Memorandum dated 23rd May, 2024, they are entitled to the benefit under the Die-in-harness Scheme.

Learned counsel appearing on behalf of the appellants states that in the event the original writ petitioners are found to qualify with all the requirements elaborated under the said Office Memorandum dated 23rd May, 2023 and in accordance with law, they will be duly considered for appointment thereunder, expeditiously, as per the seniority list.

Directed accordingly.

The above writ appeals are disposed of with the above direction.

No further relief is prayed for.

Pending miscellaneous applications, if any, are disposed of accordingly.

Sushil

JUDGE

CHIEF JUSTICE