

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

WP(C) No. 44 of 2017

Tika Devi Chhetry

Vs.

State of Manipur & 2 ors.

... ***Petitioner/s***

... ***Respondent/s***

B E F O R E

HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH

17-08-2023

Heard Mr. Kh. Tarunkumar, learned senior counsel assisted by Ms. Kh. Nirmala, learned counsel appearing for the petitioner and Mr. Niranjana Sanasam, learned GA appearing for the respondents.

[2] Mr. Tarunkumar, learned senior counsel submitted that the husband of the petitioner while serving as Rifleman in the 7th Bn. Manipur Rifle was dismissed from service after holding Departmental Inquiry. Being aggrieved by the dismissal order, the husband of the petitioner approached this Court by filing a writ petition being WP(C) No. 542 of 2012 and that the said writ petition was disposed of with the following directions :

“[9] Accordingly, the common dismissal order dated 27.06.2000 passed by the Commandant, 7th Bn. Manipur Rifles, so far as the present petitioner, i.e. Rfm. No. 55891 Netra Bahadur is concerned, is quashed and there shall be denovo inquiry as ordered earlier by this court and also by the Apex Court from the stage of appointment of Presenting Officer and for holding denovo inquiry; the petitioner should be reinstated in service and if necessary, petitioner may be placed under suspension. However, arrear subsistence allowance of the petitioner, which was fallen due from the first date of suspension, should be paid within a period of three months from today and shall continue to pay

subsistence allowance, subject to the outcome of the denovo inquiry.

[10] It is made clear that the petitioner should be reinstated in service within a period of one month and also the denovo inquiry should be completed within three months from the date of receipt of certified copy of this order.

The writ petition is allowed with the above direction.”

[3] The learned senior counsel further submitted that before the authorities hold the denovo inquiry against the husband of the petitioner in terms of the direction given by this Court, the husband of the petitioner expired and the contemplated inquiry cannot now be proceeded against the husband of the petitioner after his demise. The learned senior counsel fairly submitted that since the petitioner did not earlier approach the authorities with a request for closing the said contemplated inquiry against her husband and for releasing the Family Pension and other retirement benefits due payable to the petitioner, the petitioner may be given liberty to approach the concerned authorities of the State Government for closing the said denovo inquiry contemplated against the deceased husband of the petitioner and for releasing the family pension and other retirement benefits due payable to the petitioner by submitting an appropriate representation.

[4] The learned senior counsel for the petitioner also prayed on behalf of the petitioner for issuing a direction to the concerned authorities of the State Government to consider and dispose of the said

representation by issuing a speaking order within a stipulated period. Learned senior counsel lastly submitted that by giving such directions, the present writ petition can be closed.

[5] Mr. Niranjan Sanasam, learned GA appearing for the respondents fairly submitted that he has no objection in closing the present writ petition as prayed for by the learned senior counsel for the petitioner.

[6] In view of the submissions made above by the learned counsel appearing for the parties, the present writ petition is disposed of with the following directions:

(a) The petitioner is at liberty to approach the concerned authorities of the Government by filing a representation for closing the contemplated denovo inquiry against her deceased husband and for releasing the family pension and other retirement benefits due payable to the petitioner. Such representation should be filed within a period of one month from today.

(b) In the event of filing such representation by the present petitioner, the concerned authorities of the State Government should consider the representation on its own merit and in terms of the applicable rules and to dispose of the same by issuing a speaking order within a

period of three months from the date of receipt of the representation submitted by the petitioner.

With the aforesaid directions, the present writ petition is disposed of.

JUDGE

Dhakeshori

LAISHRAM Digitally signed by
LAISHRAM
DHAKESH DHAKESHORI DEVI
Date: 2023.08.17
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