

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

W.P. (C) No. 602 of 2023

Union of India; & Ors.

Petitioners

Vs.

Smt. N. Ibemubi Devi

Respondent

BEFORE

**HON'BLE THE ACTING CHIEF JUSTICE MR. MV MURALIDARAN
HON'BLE MR. JUSTICE A. BIMOL SINGH**

28.08.2023

A. Bimol Singh, Judge:

Heard Mr. W. Darakeshwar, learned Sr. PCCG, assisted by Ms. Niana Ningombam, learned counsel, appearing for the petitioners.

The present writ petition has been filed assailing the order dated 06.01.2023 passed by the Central Administrative Tribunal, Guwahati Bench in Original Application No. 042/00080/2019. In the said order, the learned Tribunal has given the following directions :

"7. In view of the above, in the ends of justice, respondents are hereby directed to conclude the pending Disciplinary Proceeding and communicate its decision within a period of three months from the date of receipt of the copy of this order.

8. In the interim, since more than 12 years have elapsed after retirement of the applicant, respondents are directed to make payment of admissible pensionary benefits to the applicant in accordance with the rules and settled principle of law."

Subsequently, the authorities approached the Tribunal again by filing MA 44/2023 (Imphal) for extension of time for the implementation of the order given by the Tribunal. The said application was also allowed by the Tribunal by order dated 04.05.2023 granting four months' time to the authorities to comply with the judgment and order dated 06.01.2023 passed by the Tribunal.

When the matter is taken up today, Mr. W. Darakeshwar, learned Sr. PCCG, submitted before this Court that the authorities are in certain doubt as to whether the full pensionary benefits should be given to the respondent or whether the provisional pension as admissible under the Pension Rules which has already been given to the petitioner should only be given in terms of the judgment and order of the Tribunal. Only on this ground, the present writ petition has been filed.

Mr. W. Darakeshwar, learned Sr. PCCG, further submitted that the present writ petition may be disposed of by this Court by giving certain clarification with regard to the order passed by the Tribunal.

On perusal of the order passed by the Tribunal, we are of the considered view that the direction is very clear and there is no ambiguity in the judgment and order given by the Tribunal. The direction of the Tribunal was to conclude the Disciplinary Proceeding pending against the respondent within a stipulated time and in the meantime to release the pension as admissible under the Rules since the petitioner has already retired and she is suffering for the last more than twelve years.

Since the authorities have submitted before this Court that the provisional pension as admissible under the Pension Rules has already been granted, and since there is no material available on record to show that the respondent is demanding for full payment of her pensionary and retiral benefits, we are of the considered view that there is no reason for interfering with the impugned order.

In view of the above, the present writ petition is dismissed as being devoid of merits.

JUDGE

ACTING CHIEF JUSTICE

Sandeep