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

W.P.(C) No.578 of 2022

JAHEDA, AGED ABOUT 49 YEARS, S/O (L) MD. RASID KHAN, AT PRESENT
RESIDING AT KEISHAMPAT THIYAM LEIKAI, PO & PS IMPHAL, IMPHAL
WEST DISTRICT, MANIPUR – 795001.

....Petitioner/s

- Versus -

1. THE STATE OF MANIPUR, REPRESENTED BY CHIEF SECRETARY, GOVT. OF
MANIPUR.
2. THE SUPERINTENDENT OF POLICE, IMPHAL WEST DISTRICT, MANIPUR.
3. THE SENIOR ACCOUNT OFFICER, ACCOUNTANT GENERAL (A&E),
MANIPUR, BABUPARA, IMPHAL.
4. MS. YUMKHAIBAM JASHMIN, D/O WAIKHOM BIRCHANDRA SINGH, C/O
(L) MD. RASID KHAN, RESIDENT OF HAOREIBI MAKHA LEIKAI, PO & PS
LILONG, THOUBAL DISTRICT, MAIPUR.

...Respondent/s

**BEFORE
HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA**

**ORDER
(ORAL)**

08.11.2023

[1] Heard Mr. N. Surendrajit, learned counsel for the petitioner, Mr.
W. Nirjit, learned Dy. GA for State Respondent Nos.1 & 2, Mr. S.
Samarjeet, learned Sr.PCCG for respondent No.3 and Mr. Rabi Khan,
learned counsel for respondent No.4.

[2] By the present petition, the petitioner prays for releasing death-cum-retirement benefit of her husband namely, Md. Rasid Khan who was working as Head Constable of Superintendent of Police, Imphal West, Manipur Police Department. Admittedly, the petitioner is the first wife of the deceased Md. Rasid Khan and respondent No.4 is the second wife. In the counter affidavit dated 19.09.2023 filed by respondent No.4, it is stated that she has no objection in sharing the dead-cum-retiral benefits of the deceased employee amongst the writ petitioner and respondent No.4/herself at the rate of $\frac{1}{3}^{\text{rd}}$ (one-third) for the Petitioner and $\frac{2}{3}^{\text{rd}}$ for herself/respondent No.4.

[2.1] The petitioner is also agreeable to the proposal submitted by respondent No.4.

[3] Mr. S. Samarjeet, learned Sr.PCCG for respondent No.3 submits that office of the Principal Accountant General (A&E), Manipur has not received any intimation from the Administrative Department with regard to preparing for family pension papers and other related documents of the deceased Md. Rasid Khan and he prays that the administrative department may be directed to submit the requisite documents to the Office of the Principal Accountant General (A&E), Manipur for preparing the relevant family pension papers and other relevant documents.

[4] The learned counsels for the parties submitted that the writ petition may be disposed of with a direction to the administrative department for sanctioning the necessary papers to the office of the Principal Accountant General (A&E), Manipur for distribution of the

pensionary benefit and other retirement benefits in terms of Para 7 of the counter affidavit dated 19.09.2023 filed by respondent No.4.

[5] Accordingly, the writ petition is disposed of with a direction to the State Respondents to forward the necessary papers to the office of the Accountant General (A&E), Manipur who shall prepare the pension authority in the name of the petitioner and the State Government shall ensure that it is distributed $1/3^{\text{rd}}$ (one-third) to the petitioner and $2/3^{\text{rd}}$ (two-third) to the 4th respondent as agreed between them.

[5.1] The petitioner and the 4th respondent are directed to submit necessary papers to the State authority along with the details of the petitioner's account to which the amount of their respective shares are to be credited. With these observation and directions, the writ petition is disposed of.

[6] The State Respondents may comply the whole exercises with a period preferably within 3(three) months from the date of submission of the necessary papers by the petitioner and the 4th respondent.

[7] Furnish a copy of this order to the learned counsels appearing for the parties.

JUDGE

- *Larson*