

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

WP(C) No.627 of 2023

Konsam Michael Singh	...	Petitioner
-Versus-		
State of Manipur & 3 Ors	...	Respondents

**BEFORE
HON'BLE MR. JUSTICE A.GUNESHWAR SHARMA**
06.12.2023

Present Mr.H.S.Paonam, learned senior counsel assisted by Ms.Lekhakumari, learned counsel for the petitioner. Mr.H.Samarjit, learned Government Advocate for the State respondent Nos.1, 2 and 3 and Mr L.Jagjit, learned counsel for the Bank, respondent No.4.

It is the case of the petitioner that his wife, a retired Associate Professor and former Principal of the Thoubal College, Government of Manipur, expired on 17.03.2023. On her demise, the amount of commutation and gratuity entitled to the petitioner amounting to Rs.39,55,215.00 and Rs.19,99,000 respectively were wrongly credited by the Treasury Officer, Thoubal in the account of the deceased wife. It is also stated that the petitioner is getting family pension since May, 2023. The petitioner made an application dated 6.7.2023 to the Treasury Officer, Thoubal for crediting the Commutation and Gratuity amount of Rs.59,54,215 to his Pension Account maintained with the respondent No.4. Since nothing is done in this regard, the petitioner approached this court, with the following prayer:

"i) issue rule nisi and call for the records
ii) issue a writ of mandamus or any other appropriate writ or any other appropriate writ or direction of like nature directing the respondents to deposit the Commutation payment of Rs.39,55,215 (Rupees Thirty Nine Lakhs Fifty Five Thousand Two Hundred and Fifteen only) and Gratuity Payment of Rs.19,99,000 (Rupees Nineteen Lakhs Ninety Nine Thousand only) and other retirement benefits of the deceased wife of the petitioner Smt Late Okram Chaoba Devi who retired from the service as Associate Professor, Thoubal College, Government of Manipur to the account of the pension beneficiary.

iii) in the interim, restrain the respondents from depositing any retirement benefits in respect of Smt Late Okram Chaoba Devi, to any other account except the present petitioner's account who is the pension beneficiary of the deceased employee;

AND

iv) pass any further order (s) direction(s) which this Hon'ble Court may seem fit and proper to secure the ends of justice."

Respondent No.4, Punjab National Bank has filed counter affidavit. In para 5, it is stated that, the amount credited as commutation and gratuity for a sum of Rs.39,55,215 and Rs.19,99,000/- respectively in the deceased pensioner account will be refunded only when the petitioner approaches the Bank with a proper application along with other necessary documents as per Bank Guidelines and it is stated that the petitioner has not approached the Bank till date.

Mr.H.S.Paonam, learned senior counsel for the petitioner submits that he may be permitted to file such an application in this regard to the Bank. However, he may be exempted from furnishing a succession certificate, if any, in this regard as there is no dispute and controversy regarding the entitlement of family pension of his deceased wife, gratuity and

commutation amount. It is further submitted that the petitioner may not be burdened with any further proceeding for the lapses on the part of the respondents.

Mr.H.Samarjit, learned Government Advocate also fairly concedes that the matter may be disposed of by giving direction to respondent No.4 to deposit the amount claimed in the writ petition to the family pension account of the petitioner.

Recording this, the writ petition is allowed. The respondent No.4 is directed to transfer the amount of Rs.59,54,215 to the family pension account maintained by the petitioner with the respondent No.4.

The petitioner is directed to submit an application for claiming the amount wrongly deposited to transfer to his family pension account. It is clarified that Succession Certification will not be required for transferring the amount from the account of the deceased pensioner's to the account of the family pension account maintained by the petitioner as his status is not disputed.

Respondent No.4 is directed to transfer the said amount within a period of one month from the date of receipt of the application from the petitioner in this regard. In case, the Bank still insists for production of Succession Certificate, the Bank is to bear cost of Stamp Fee and Litigation cost, if any.

With the directions and observations, the writ petition is disposed of. No cost.

Furnish a copy of this order to the learned counsel appearing for the parties.

Send a copy of this order to the respondent No.4 for information and necessary compliance.

JUDGE

Priyojit

RAJKUMAR
PRIYOJIT
SINGH

Digitally signed by
RAJKUMAR
PRIYOJIT SINGH
Date: 2023.12.08
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