

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

WP(C)No.134 of 2023

Km. Rajkumari Sunita Devi, aged about 50 years, D/o. Late R.K Sanahal
Singh of Keishamthong Longjam Leirak, P.O. & P.S. Imphal, District Imphal
West, Manipur

...Petitioner

- Versus -

1. The State of Manipur represented by The Secretary / Commissioner (Edn/S), Government of Manipur, Imphal, P.O. & P.S Imphal, District Imphal West, Manipur (Secretariat Block) – 795001.
2. The Director of Education (S), Government of Manipur, Lamphelpat, P.O & P.S Lamphel, District Imphal West, Manipur – 795004.
3. The Zonal Education Officer, Zone – I, Department of Education (S), Government of Manipur, Khuyathong, P.O. & P.S. Lamphel, District Imphal West, Manipur – 795004.
4. The Principal Secretary / Commissioner (Finance), Government of Manipur, P.O & P.S. Imphal, District Imphal West, Manipur (Secretariat Block) – 795001.

5. The Principal Accountant General (A&E), Manipur, at Babupara, P.O. & P.S. Imphal, District Imphal West, Manipur.

...Respondents

BEFORE
HON'BLE JUSTICE MR. JUSTICE A. GUNESHWAR SHARMA
ORDER
(Oral)

10.01.2024.

[1] Heard Mr. Th. Kunjaraj, learned counsel for the petitioner, Mr. I. Somorjit learned counsel for the respondent No.5 and Mrs. Ch. Sundari learned Government Advocate for respondent Nos. 1 to 4.

[2] The petitioner approached this Court by way of the present writ petition under Article 226 of the Constitution of India inter-alia for directing the respondents to transfer the Family Pension of her deceased mother in her favour. The prayer is reproduce as follows:

- (i) *Call for the records of the case and issue Rule nisi calling upon the Respondents to show cause as to why the prayer prayed for by the Petitioner herein should not be granted. And, after hearing the Respondents make the rule absolute;*
- (ii) *Issue writ of Mandamus and / or any other appropriate writ / order / direction to the respondents to grant / pay the benefit of family pension to the petitioner for her deceased mother pensioner under PPO No. SM/24563 according to the Government O.M. dated 17.05.2011 because she is the unemployed and unmarried daughter of her mother (Late) R.K. Ongbi Laishram Purnimashi Devi, a pensioner under PPO No. SM/24563.*

(iii) Pass any other appropriate order or orders as the Hon'ble High Court deems fit and proper by extending the Hon'ble High Court's order dated 05.10.2018 passed in W.P. (C) No. 778 of 2017.

[3] It is stated that the mother of the petitioner (late) Mrs. Laishram Purnimashi Devi who was serving as graduate Art Teacher in the Department of Education (S), Government of Manipur and she retired from service with effect from 28.02.2006 and expired on 24.01.2018 as a pensioner. The father of the petitioner pre-deceased her mother and he died in the year 1993.

[4] It is stated that the petitioner is unmarried daughter of the deceased pensioner and there is no other legal heir except her.

[5] It is further stated that vide order dated 08.11.2021 passed by the learned Family Court, Manipur at Lamphel in Mat. (Declaration) Suit No. 1 of 2021, the petitioner has been declared as unmarried and unemployed daughter of the late Laishram Purnimashi Devi.

[6] Mr. Th. Kunjaraj learned counsel for the petitioner draws the attention of this Court to Office Memorandum dated 17.05.2011 issued by the Finance Department(PIC), Government of Manipur which stipulates that the family pension can be transferred to unmarried/widowed/divorced daughter of the deceased pensioner.

[7] Since the benefits of the family pension to the petitioner for her deceased mother under PPO No. SM/24563 was not done in her favour, the petitioner approached this Court for the same relief.

[8] The State respondents have filed a counter affidavit and it is stated that the Administrative Department i.e. the Department of Education (S) has submitted the necessary documents to the Under-Secretary Pension Cell, Government of Manipur for transfer of Family Pension of (L) Mrs. Purnimashi Devi to the petitioner being an unmarried daughter in pursuance of the decree of the Family Court, Manipur.

[9] On perusal of the counter affidavit filed by the respondent No. 4 i.e Finance Department(PIC) Government of Manipur, it seems that the letter dated 02.03.2023 submitted by the Administrative Department has not yet been forwarded to the office of the respondent No. 5 i.e the Principal Accountant General (A&E), Manipur.

[10] Mr. I. Somorjit learned counsel appearing for the respondent No. 5 has also submitted that the necessary documents are yet to be received from the Pension Cell, Government of Manipur.

[11] It is the submission of the learned Counsel for the petitioner that it will be suffice if the direction is given to the respondent No. 4 to forward necessary papers for transfer of Family Pension in favour of the

petitioner in view of the letter dated to 02.03.2023 submitted by the Administrative Department, to the office of the respondent No. 5 i.e. Accountant General(A&E), Manipur. Learned counsel for the respondents support this submission on behalf of the petitioner.

[12] Accordingly, the respondent No. 4 is directed to forward necessary documents in view of the letter dated 02.03.2023 submitted by the Administrative Department to the office of the Accountant General (A&E), Manipur within 1(one) month from the receipt copy of this order. The respondent No. 5 is further directed to issue necessary order within further period of 1(one) month from the date of receipt of necessary documents from the respondent No. 4.

[13] With the above directions, this writ petition is disposed of.

[14] Furnished copy of this order to the learned counsel appearing for the parties.

JUDGE

John Kom