

Item No.11

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

WP(C)No.300 of 2018

Chingtham Birla Singh, aged about 62 years, S/o(I) Ch. Nodiachand Singh, resident of Khuyathong Polem Leikai, PO & PS Imphal, District, Imphal West, Manipur.

...Petitioner

- Versus-

1. The State of Manipur represented by the Secretary/Commissioner(IFC), Government of Manipur.
2. The Chief Engineer, Irrigation and Flood Control Department, Government of Manipur.
3. The Executive Engineer, Thoubal Project, Division No.IV, IFC, Manipur.
4. The Chief Secretary(in-charge of DP), Government of Manipur.
5. The Accountant General (A&E), Meghalaya, Shillong.
6. Principal Accountant General(A&E), Manipur.
7. The Commissioner/Secretary(Power), Government of Manipur.

...Respondents

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

17.04.2024.

[1] Heard Mr. N. Surendrajit, learned counsel appearing on behalf of the petitioner and Mr. Th. Sukumar, learned GA for State respondents and Mr. S. Suresh, learned counsel for respondent Nos. 5 & 6.

[2] The petitioner was appointed as LDC in Electricity Department vide order dated 23.08.1983 and was promoted to the post of Assistant Accountant in the same department vide order dated 25.11.1985.

[3] In pursuance of the notification issued by the office of the Accountant General, Shillong for appointment to the post of Divisional Accountant(on deputation), the petitioner was appointed as Divisional Accountant on deputation on 18.11.1993 and was posted in the office of the Executive Engineer, Thoubal Project No.IV(Irrigation and Flood Control Department, Government of Manipur). Vide order dated 16.03.2000, the petitioner was reverted to his parent department of Power, Government of Manipur w.e.f 14.04.2000. Thereafter, vide order dated 04.08.2015 issued by the Chief Engineer(IFCD), Manipur, the petitioner and 13(thirteen) others were allowed to work in the IFCD department in addition to their normal duties without extra remuneration.

[4] Vide letter dated 23.11.2015, Chief Engineer IFCD department proposed to the Additional Chief Secretary(IFCD), Government of Manipur for absorption of the petitioner as Divisional Accountant in the IFCD department.

[5] It is stated that the petitioner retired on 29.02.2016 and by that time, the proposal for his absorption as Divisional Accountant in the IFCD department could not be materialized.

[6] By the present writ petition, the petitioner approached this Court inter alia praying for releasing his due salary and the release of retirement benefits. The prayers are reproduced as follows:

(i) A writ in the nature of mandamus directing the respondents to absorb the petitioner as Divisional Accountant in the department.

(ii) A writ in the nature of mandamus directing the respondent No.1 and 2 to pay due salary with effect from 01.06.2013 till 29.02.2016 for the service rendered by the petitioner.

(iii) A writ in the nature directing the respondents to provide retiral benefits.

[7] During the course of hearing, Mr. N. Surendrajit, learned counsel appearing for the petitioner submits that due salary of the petitioner from 01.06.2013 till 29.02.2016 had been released by the authority and hence, this relief is complied with and the prayer for providing retirement benefits is still remaining for consideration by the Court.

[8] This Court has considered the materials on record and the submission made at the bar by the parties. Since the proposal for absorption of the petitioner in the post of Divisional Accountant in IFCD department could not be materialized before his retirement, it means that he is deemed to have retired as Assistant Accountant in the Office of Power Department.

[9] In the circumstance, the respondent No.7, the Commissioner/Secretary(Power), Government of Manipur is directed to complete the necessary pension papers for the petitioner and communicate the same to the office of the Accountant General, Manipur through pension cell of the State Government for releasing the due pensionary benefits as per law. The respondent No.7 shall complete the said exercise within a period of 3(three) months from the date of receipt of a copy of this order and the office of Principal Accountant General shall complete the necessary documents within 2(two) months from the date of receipt of a copy of this order.

[10] The petitioner is directed to furnish any additional information/document if asked by the Administrative Department in this regard.

[11] With the above observations and directions, the writ petition is disposed of.

JUDGE

John Kom