

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

WP(C) No.318 of 2018

Shri Sorokhaibam Menjor Singh ... Petitioner

-Versus-

State of Manipur ... Respondent

BEFORE

HON'BLE MR. JUSTICE A.GUNESHWAR SHARMA

27.02.2024

Heard Mr.Sunilkumar, learned counsel for the petitioner, Mr.Shyam Sharma, learned Government Advocate for the State respondent Nos.1 to 4 and Mr.S.Suresh, learned counsel for respondent No.5.

The petitioner who was working as Section Officer Grade-I in the Thoubal Division of the PWD, Manipur was kept under suspension vide order dated 01.10.2010 issued by the Deputy Secretary, Works, Government of Manipur for his involvement in a case initiated by the National Investigating Agency (NIA), which was pending in the Court of Sessions Judge, Special Court NIA, Silliguri and subsequently transferred to Special Court Silliguri. It is stated that charge-sheet has been filed and the petitioner is facing trial.

Learned counsel for the petitioner submits that the stage of the trial is for examination of accused and when the petitioner was in custody, his service was terminated on superannuation w.e.f. 28.02.2015 (AN). It is also submitted at the Bar that the petitioner is enlarged on bail. The

petitioner approached this Court for releasing his pensionary benefits. The prayer is reproduced hereunder:

"i) to issue a rule calling upon the respondents to show cause as to why the reliefs claimed herein should not be granted as prayed for and then after hearing the parties to make the rule absolute;

ii) to issue a writ of mandamus or any other appropriate writ or direction thereby directing the respondents to issue a pension payment order and other retirement benefits, such as, remaining 25% of Leave Encashment, Gratuity, GPF, Group Term Insurance and the remaining salary from the date of suspension 16.08.2010 to the date of retirement on superannuation 28.02.2015 after deducting the subsistence allowance of 50% and then 75% so far paid for the ends of justice."

The State respondent has filed counter affidavit and respondent No.3 states that since the petitioner is facing criminal trial, he is entitled only provisional pension admissible under Rule 9 and 69 of the CCS (Pension) Rules and Rule 9 sub Rule (4) of Manipur Civil Service (Pension) Rules, 1977.

Mr.Shyam Sharma, learned Government Advocate, relying on the affidavit of respondent No.3, Finance Department, submits that at the most, petitioner would be admissible for provisional pension as he is facing criminal trial.

Mr.Suresh, learned counsel for respondent No.5, Principal Accountant General, Manipur submits that the petitioner is eligible for provisional pension under Rule 9 sub rule (4) of the Manipur Civil Services (Pension) Rules, 1977 read with Rule 69 of the CCS (Pension) Rules, 1972 in view of the pendency of criminal trial against the petitioner. It is also clarified that retirement benefits can be released in favour of the government servant alone

and not to other family member during lifetime of the government servant.

Mr.Sunilkumar, learned counsel for the petitioner concedes that the writ petition may be disposed of with the direction to the State Authorities to process for releasing provisional pension in terms of the Manipur Civil Service (Pension) Rules, 1977 adopting CCS (Pension) Rules, 1972.

Considering the submissions made by learned counsel for the parties and materials on record, this Court is of the opinion that the writ petition can be disposed of by issuing a direction to the State respondents to process for provisional pension in favour of the petitioner in terms of Rule 9 sub Rule (4) of MCS (Pension) Rules, 1977 read with Rule 69, within a period of three months from date of receipt of this order.

Respondent No.5 shall complete issuance of Provisional Pension Payment Authority, within a further period of two months from the date of receipt of necessary documents from the Administrative Department.

It is also directed that the petitioner shall supply necessary documents, if the same are requisitioned by the Administrative Department for processing the provisional pension.

With the above observations, the writ petition is disposed of.

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

JUDGE

Priyojit

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SINGH

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by RAJKUMAR
PRIYOJIT SINGH
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