

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

WP(C) No.229 of 2024

L.Netajit Singh

... Petitioner

-Versus-

The State of Manipur & 4 Ors

... Respondents

**BEFORE
HON'BLE MR. JUSTICE A.GUNESHWAR SHARMA**
28.08.2024

Heard Mr.L.Shashibhushan, learned senior counsel assisted by Ms.Kagungailiu Kamei, learned counsel for the petitioner, Mr.Th.Sukumar, learned Government Advocate for the State respondent Nos.1, 2, 3 and 5 and Mr.S.Suresh, learned counsel for respondent No.4.

The petitioner retired from service vide order dated 23.1.2023 w.e.f. 28.02.2023. On his retirement, Office of the Accountant General, Manipur issued Pension Payment Order, Commutation Pension Order and Gratuity Payment orders on 17.1.2024.

Mr.Shashibhushan, learned senior counsel submits that in spite of issuance of all necessary authorities by the Office of the Principal Accountant General, Manipur, the petitioner is yet to receive retiral benefits including pension.

In the nature of the admitted fact of the case, this Court is of the opinion that matter can be disposed of without waiting for counter affidavit.

Mr.Sukumar, learned Government Advocate submits that the Government is in active consideration for releasing the amount payable to the petitioner.

Mr.S.Suresh, learned counsel for the Principal Accountant General, Manipur submits that since necessary authority orders have been issued, nothing is left for respondent No.4.

Mr.L.Shashibhushan, learned senior counsel for the petitioner relies on the decision of the Hon'ble Supreme Court in the case of **Vijay L.Mehrotra Vs State of U.P & Ors : AIR 2000 SC 3513(2)**, wherein it was held that withholding of retiral benefits for a long period of time is not justifiable and directed to pay the same immediately with interest at the rate of 18% per annum from the date of retirement.

This Court has perused the materials on record and considered the submissions made at the Bar. It is admitted fact that the petitioner retired from service on superannuation on 28.2.2023 from the post of Superintendent, in the Sericulture Department, Manipur and necessary pension authorities have already been issued by the Office of the Principal Accountant General, Manipur and there is no report of the petitioner's involvement and found guilty of prevalent or departmental proceedings and now he has been found guilty, in such proceedings and as such, question of withholding pensionary benefit arise in the present case.

This Court in the case of **K.Boni Mao Vs State of Manipur: Manu/MN/0222/2023** held that pensionary benefit cannot be withhold without any reason and on the ground of facing difficulties of the State.

Accordingly, this Court directs the State respondent to release commutation and gratuity pension within a period of two months from the date of receipt of a copy of this order and release monthly amount of pension payable to the petitioner along with arrears, if any.

If the same is not made within the aforesaid two months' period, the same will carry interest at the rate of 9% per annum from the date of retirement.

With this observation, the writ petition is disposed of.

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

Registry is directed to send a copy of this order to the Director, Sericulture, Government of Manipur for information and necessary action.

No costs.

JUDGE

Priyojit

RAJKUMAR
PRIYOJIT
SINGH

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by RAJKUMAR
PRIYOJIT SINGH
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