

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

WP (C) No. 438 of 2019

Thangkholun Kuki

Petitioner

Vs.

State of Manipur; & 4 Ors.

Respondents

BEFORE
HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH

24.04.2024

Heard Mr. Ch. Robinchandra, learned counsel appearing for the petitioner, Mr. W. Niranjit, learned Deputy GA appearing for the respondents No. 1-5 and Mr. S. Suresh, learned counsel appearing for the respondent No. 6.

It has been submitted by the learned counsel appearing for the petitioner that the father of the petitioner Late Demkhothang Kuki died on 28.12.1973 while serving as the Lance naik (L/NK) in the Office of the Commandant, 2nd Bn. Manipur Rifles. The learned counsel for the petitioner submitted that the Late father of the present petitioner was entitled to all pensionary benefits as clearly shown by the order dated 22.12.2005 issued by the Commandant, 2nd Bn. Manipur Rifles, Imphal, which is enclosed as Annexure-A/1 to the present writ petition.

It has further been submitted that due process were taken up by the authorities for releasing family pension due payable to the wife of the deceased Government employee, who is the mother of the present petitioner. Such factum is clearly evident from the documents enclosed as Annexure-A/2 and Annexure-A/3 to the present petition.

It has been submitted by the learned counsel that before the process for releasing family pension due payable to the mother of the present petitioner could be completed, the petitioner's mother, viz., Smt. Hatlhing Kuki died on

28.11.2016 and that after her death, no process were taken up by the authority for releasing the Family pension due payable to the legal heirs of the deceased Government employee. Accordingly, the present petitioner filed a representation dated 27.03.2019 to the Commandant, 2nd Bn. Manipur Rifles requesting for releasing the arrear family pension due payable to the Late mother of the present petitioner by enclosing supporting documents.

It has been submitted by the learned counsel for the petitioner that no action has been taken up by the respondents with regard to the claim made by the petitioner. The learned counsel accordingly submitted that the present writ petition may be disposed of by directing the respondents to expedite the process for releasing the family pension due payable to the Late mother of the present petitioner from the date of the death of the petitioner's father till the date of the expiry of the mother of the petitioner within a stipulated period.

Mr. W. Niranjit, learned Deputy GA appearing for the respondents submitted that the claim made by the mother of the present petitioner was very belated and as such, the process for releasing the Family pension was not completed by the authorities in time. It has been also submitted that there are altogether 3 (three) legal representatives of the deceased Government employee and that only one of the legal representatives has made a claim for releasing the family pension and as such there is non-joinder of necessary party and accordingly, the present writ petition deserves to be rejected.

Mr. S. Suresh, learned counsel representing the Accountant General submitted that as no documents for releasing of Family pension of the deceased Government employee have been furnished by the Department/Government, the Office of the Accountant General could not process for releasing the Family pension as claimed by the present petitioner and that as soon as the concerned Department of the Government furnished the necessary Family pension papers, due process will be taken up as permissible under law.

I have heard the rival submission advance by the learned counsel appearing for the parties and also examined all the materials available on record. It is an undisputed fact that the petitioner's father died while serving as a Lance naik (L/NK) in the Police Department and that as per the record, it is

evident that the legal representatives of the deceased Government employee are entitled to Family pension.

In fact, the authorities have already initiated the process for releasing the Family pension in favour of the wife of the deceased Government employee, who happens to be the mother of the present petitioner, however, on expiry of the mother of the present petitioner, the process for releasing the Family pension seems to have been abandoned by the authority.

As there is no dispute that with regard to the fact that the mother of the petitioner, who was the wife of the deceased Government employee, was entitled to Family pension w.e.f. the death of her husband till the date of her expiry, this Court see no reason why the legal representatives of the deceased Government employee should be deprived of availing such arrear family pension.

In my considered view, the authorities have acted arbitrarily in not releasing the arrear family pension due payable to the legal representatives of the deceased Government employee. Accordingly, the present writ petition is disposed of by directing the respondents to expedite the process for releasing the arrear Family pension due payable to the legal representatives of the deceased Government employee for the period from the date of expiry of the Government employee, i.e., 28.12.1973 till the date of expiry of the wife of the Government employee, i.e. 28.11.2016 as permissible under applicable Rules. The whole process should be completed within a period of 3 (three) months from the date of receipt of a certified copy of this order.

With the aforesaid direction, the present writ petition is disposed of.

JUDGE

Sapana