

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

WP(C) No.606 of 2023

L.Ibobi Singh

... Petitioner

-Versus-

State of Manipur & 4 Ors

... Respondents

BEFORE

HON'BLE MR. JUSTICE A.GUNESHWAR SHARMA

29.11.2024

Heard Mr.H.S.Paonam, learned senior counsel assisted by Mr.S.Gunabanta, learned counsel for the petitioner, Ms.Ch.Sundari, learned Government Advocate for the State and Mr.S.Suresh, learned counsel for the Principal Accountant General, Manipur.

[2] The petitioner retired as Director, Social Welfare Department, Manipur on 29.2.2016 on attaining the age of superannuation. The petitioner approached this Court with a prayer for releasing his due gratuity amount as other pensionary benefit has already been released except for the gratuity amount, on the ground that a Vigilance has been pending against him.

[3] Ms.Ch.Sundari, learned Government Advocate referring to the counter affidavit filed by respondent No.4, i.e. Director, Vigilance, Government of Manipur that gratuity amount was not released due to pendency of Vigilance case. On the other hand, Mr.S.Suresh, learned counsel for the Principal Accountant General, Manipur submits that provisional pension has already been released and Office of the Principal Accountant General, Manipur is yet to receive regularization order.

[4] Mr.H.S.Paonam, learned senior counsel for the petitioner submits that there is no vigilance case against the petitioner as on date and regular pension has been released vide PPO No.111810947 and draws attention of this Court to the report

submitted by the Director, Vigilance & Anti-Corruption Department, Government of Manipur dated 30.3.2022 to the Secretary, Social Welfare Department, Government of Manipur stating that case against the petitioner has been closed with an advice to maintain financial discipline in future.

[5] Mr.Suresh, learned counsel for the Principal Accountant General, Manipur referring to order dated 8.5.2018 issued by the Under Secretary (DP), Govt of Manipur submits that the entitlement of gratuity, commutation pension etc in respect of the retired officer may be withheld till conclusion of the aforesaid vigilance case and until further orders. It is submitted that in view of the order dated 8.5.2018 of the Administrative Department, the office of the Accountant General, Manipur will not able to release any amount.

[6] Mr.H.S.Paonam, learned senior counsel for the petitioner clarified that the direction for withholding retirement benefits and gratuity vide order dated 8.5.2018 will have no effect in view of the letter dated 30.02.2022 issued by the Director, Vigilance & Anti Corruption Department, Manipur absolving the petitioner from the vigilance case with minor censors. Learned senior counsel for the petitioner, referring the judgment of the Hon'ble Apex Court reported in **State of Jharkhand & Ors Vs Jitendra Kumar Srivastava & Annr: (2013) 12 SCC 210** (Para-13) submits that withholding pension etc of a retired government employee will be justifiable only when there is finding of grave misconduct in the departmental or judicial proceedings initiated against him.

[7] In the present case, petitioner has been absolved vide letter dated 30.03.2022 issued by the Director, Vigilance & Anti-Corruption Department, Government of Manipur with a minor censor and it is also pointed out that no departmental enquiry is pending against the petitioner.

[8] This Court has perused the materials on record and considered the submissions made at the Bar and decision of the Hon'ble Supreme Court in this regard.

[9] Vide order dated 8.5.2018, the Under Secretary, DP Government of Manipur withhold the retiral benefits of the petitioner till conclusion of the vigilance case against him. The Vigilance Case was closed against the petitioner vide letter dated 30.03.2022 issued by the Director, Vigilance & Anti-Corruption Department, whereby no misconduct was established against him and case was closed with minor censor against the petitioner to keep financial discipline in future.

[10] In the circumstance, there should not be any impediment for the Office of the Principal Accountant General, Manipur to issue authority letter to release the amount of gratuity to the petitioner with other regular pension benefits as already been availed by the petitioner.

[11] With this observation, the writ petition is allowed and the Administrative Department is directed to furnish the requisite/necessary documents to the Principal Accountant General, Manipur for releasing the amount of gratuity as prayed for. For releasing the pending retiral benefit etc the Administrative Department shall furnish necessary documents to the Office of the Principal Accountant General within one month and on receipt of the same, necessary payment order be issued within a further period of one month from the date of receipt of documents from the Administrative Department.

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

JUDGE

Priyojit