

Item No.78

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

WP(C)No.786 of 2021

Shri Nandeibam Birbal Singh aged about 64 years S/o (L) Nandeibam Modhumangol Singh, a resident of Thangmeiband Yumnam Leikai, PO & PS Imphal and PS Imphal West, Imphal West District-795001, Manipur.

...Petitioner

- Versus-

1. The State of Manipur represented by the Principal Secretary(PHED), Government of Manipur, Secretariat Complex.
2. The Sr. Account Officer(GOE), Office of the Principal Accountant General(A&E), Manipur, Imphal, AG office, Babupara.
3. The Chief Engineer (PHED) Division, Govt. of Manipur, PWD, Complex, Khoyathong.
4. The Executive Engineer, Chandel PHE Division, PHED, Govt. of Manipur.

...Respondents

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

16.04.2024.

[1] Heard Mr. A. Viscount, learned counsel appearing on behalf of the petitioner, Mr. S. Jasobanta, learned counsel on behalf of

respondent No.2 and Mrs. CH. Sundari, learned GA for respondent Nos. 1,3 & 4.

[2] The petitioner was working as EE, in the department of Public Health Engineering, Government of Manipur. Vide order dated 23.11.2016 an explanation was called from the petitioner by the Chief Engineer, PHED, Manipur regarding encashment of Rs.3.62 Crore relating to Swachh Bharat Mission(Gramin) when he was Executive Engineer of Tamenlong PHE Division.

[3] It is the case of the State respondents that till date, the petitioner has failed to furnish the relevant documents as asked for in the above memorandum dated 23.11.2016.

[4] It is submitted that the petitioner has retired from his service in the year 2017 and since his full pensionary benefits was not granted, he approached this Court for a direction to release the pending arrears.

[5] Mrs. Ch. Sundari, learned GA submits that the petitioner has been provided with provisional pensionary during the pending completion of the contemplated enquiry against the petitioner and as such complete release of the pensionary benefits cannot be made. She has also pointed out that MGEL of the petitioner was also not updated.

[6] It is the case of the petitioner that no enquiry is pending against him and he has not been furnished with memo of charge and other related documents. Learned counsel for the petitioner has referred to the

decision of this Court vide order dated 29.11.2023 passed in WP(C)No.633 of 2023 holding that pensionary benefits cannot be withheld without any substance and also against the law laid down by the Hon'ble Supreme Court.

[7] Mr. S. Jasobanta, learned counsel for respondent No.2 submits that provisional pension has been granted to the petitioner and no action is required to be done unless submission of the necessary paper from the Administrative Department.

[8] From the pleadings of the parties and submission made at the bar, it is clear that full pensionary benefits of the petitioner is not issued due to purported pendency of disciplinary proceeding against him and non-updation of MGEL.

[9] This Court is of the opinion that it will be appropriate to dispose of the present writ petition by directing to the State respondents to complete the pending proceeding, if any, against the petitioner. Accordingly, the respondents are directed to complete the pending enquiry, if any, against the petitioner within a period of 6(Six) months from the date of receipt of a copy of this order as contemplated under Rule 14 sub-rule 24 of the CCS(CCA) Rules, 1965.

[10] Petitioner is directed to furnish any document if the same is in his possession and on failure to complete the departmental enquiry, if any, within the stipulated period of 6(six) months, it is to be treated that no

enquiry is pending against the petitioner and he is entitled to the full pensionary benefits as per law.

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

[12] Furnish a copy of this order to both the parties.

[13] Registry is directed to send a copy of this order to respondent Nos. 1 & 3 for information and necessary compliance.

JUDGE

John Kom