

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

WA No. 88 of 2023

1. The State of Manipur represented by the Chief Secretary (in charge Department of Personnel), Government of Manipur, Office at Old Secretariat, Babupara, P.O. & P.S. Imphal West, Manipur – 795001.

...Appellant No. 1/Respondent No. 1 in Writ Petition

2. The Joint Secretary (Pension Cell), Government of Manipur, Secretariat Block, P.O. & P.S. Imphal, Imphal West District, Manipur – 795001.
3. The Chief Engineer, Public Works Department, Government of Manipur, P.O. & P.S. Imphal, Imphal West District, Manipur – 795001.

***...Appellant Nos. 2 & 3/Respondent Nos. 2 & 3 in
Writ Petition***

***(Transposed as Appellant Nos. 2 & 3 vide court order
dated 14-09-2023 passed in MC(WA) No. 119 of 2023)***

- Versus -

1. Kunjakishore Golmei, aged about 67 years, S/o (L) Priyokumar Gomei, R/o Kakhulong, Paona Bazar, P.O. & P.S. Imphal, Imphal East District, Manipur – 795001.

***...Principal Respondent/
Petitioner in the Writ Petition***

2. The Principal Accountant General (A&E), Manipur, Babupara, P.O. & P.S. – Imphal, Imphal West District, Manipur – 795001.

***...Proforma Respondent/
Respondent No. 4 in the Writ Petition***

**With
MC(WA) No. 141 of 2023**

1. The State of Manipur represented by the Chief Secretary (in charge Department of Personnel), Government of Manipur, Office at Old Secretariat, Babupara, P.O. & P.S. Imphal West, Manipur – 795001.

2. The Joint Secretary (Pension Cell), Government of Manipur, Secretariat Block, P.O. & P.S. Imphal, Imphal West District, Manipur – 795001.
3. The Chief Engineer, Public Works Department, Government of Manipur, P.O. & P.S. Imphal, Imphal West District, Manipur – 795001.

...Applicants

- Versus -

1. Kunjakishore Golmei, aged about 67 years, S/o (L) Priyokumar Gomei, R/o Kakhulong, Paona Bazar, P.O. & P.S. Imphal, Imphal East District, Manipur – 795001.

... Respondent

2. The Principal Accountant General (A&E), Manipur, Babupara, P.O. & P.S. – Imphal, Imphal West District, Manipur – 795001.

...Proforma Respondent

B E F O R E

**HON'BLE THE CHIEF JUSTICE MR. SIDDHARTH MRIDUL
HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA**

O R D E R

16-08-2024

Siddharth Mridul (C.J.),

[1] Heard Mr. M. Rarry, learned counsel appearing on behalf of the appellants; Mr. N. Ibotombi, learned senior counsel appearing on behalf of respondent No. 1; and Mr. S. Suresh, learned counsel appearing on behalf of respondent No. 2.

[2] Mr. M. Rarry, learned counsel appearing on behalf of the appellants, invites our attention to the communication dated 05-08-2024 addressed by the Director, Treasuries & Account, Manipur to the Deputy Secretary (DP), Manipur to say that the Treasury Officer, Imphal West has been disbursing pension to Shri Kunjakishore Golmei, the original writ petitioner, herein, since August 2022 and has paid all dues, including

pension arrears. However, the said communication further states that the pension could not be paid after the month of February 2023, as the pensioner has not updated his photograph at the Treasury Office.

[3] The short question that has arisen for consideration in the present writ appeal is whether gratuity, pension and other retiral benefits payable to a retired employee can be withheld without even initiating disciplinary proceedings, or on the mere filing of a First Information Report without following it up with a charge-sheet; in terms of Rule 9 of the Central Civil Services (Pension) Rules, 1972.

[4] In so far as the above question of law is concerned, the same is no longer *res Integra*. The judgment dated 29-03-2022 passed by the Division Bench of this Court in WA No. 17 of 2020, ***State of Manipur & Ors vs. Ranjana Manohermayum & Anr*** and in particular, paragraph 22 clearly and unequivocally held that “As per Rule 9, which is applicable presently, it is only after the conclusion of disciplinary/judicial proceedings and the rendering of a finding of guilt therein against a Government servant that the question of withholding his/her gratuity and pension would arise.”

[5] In view of the foregoing, in the present case, for the sake of completeness, we observe that neither has any disciplinary proceedings been initiated against the original writ petitioner; nor has any charge-sheet been filed against him pursuant to the FIR originally registered; and that consequently, no cognizance at all has been taken of the alleged offence; thereby obviating the possibility of any finding of guilt being returned against the retired employee, for the last thirteen years.

[6] In view of the foregoing, Mr. M. Rarry, learned counsel appearing on behalf of the appellants states that subject to Shri Kunjakishore Golmei updating his photograph at the Treasury Office within a week; they shall ensure that all the pensionary/retiral benefits that the latter is entitled to in accordance with law are released to him forthwith preferably within a period of three months from today.

[7] Before parting, it is made clear that we have not made any modification in the impugned judgment and order dated 20-07-2022 passed by the learned Single Judge of this Court in WP(C) No. 358 of 2022 assailed before us in the present appeal in any manner whatsoever.

Directed accordingly.

No further directions are prayed for.

With the above direction, the writ appeal is disposed of.

Pending application, if any, also stands disposed of.

JUDGE

CHIEF JUSTICE

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