

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

WP(C) No. 902 of 2019

KG Lanshingpou

... Petitioner

Vs.

State of Manipur & ors.

... Respondents

B E F O R E
HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH

JUDGMENT & ORDER
(Oral)

02-05-2024

[1] Heard Mr. R.K. Milan, learned counsel appearing for the petitioner, Mr. Th. Vashum, learned GA appearing for the respondents No. 1 and 3 and Mr. S. Suresh, learned counsel appearing for the respondent No. 2.

[2] The present writ petition had been filed with the prayer for quashing the letter dated 10-10-2019 from the Office of the Accountant General (A&E), Manipur, addressed to the District Treasury Officer, Tamenglong, forwarding the Pension Payment Order No. 111916070 in favour of the petitioner No. 1 for payment of his pension as Arts Graduate Teacher coupled with the prayer for directing the respondent No. 1 to give to the petitioner the retirement benefits for the post of Principal, Higher Secondary School, which the petitioner was holding on in-charge basis while he was in service.

[3] During the pendency of the present writ petition, the petitioner No. 1 expired and as such, the wife of the petitioner has been brought in as petitioner No. 2 in the present writ petition as the legal heir of the deceased petitioner No. 1.

At the outset, Mr. R.K. Milan, learned counsel appearing for the petitioner submitted that the petitioner is not pressing with the prayer for payment of pension of the deceased petitioner No. 1 in the grade of Principal of Higher Secondary School and that the present writ petition can

be disposed of by directing the respondents to consider for payment of retirement benefits of the deceased petitioner No. 1 in the grade of Lecturer of Higher Secondary School against which post, he was given regular promotion by an order bearing No. 4/10/2011-SE(S) dated 16-06-2012 issued by the Deputy Secretary (Edn./S), Government of Manipur.

[4] In this regard, the learned counsel for the petitioner draw the attention of this court to the said order dated 16-06-2012 enclosed as Annexure-X/4 to the affidavit-in-opposition filed on behalf of the respondents No. 1 and 3 and submitted that by the said order, the petitioner along with other Graduate Teachers have been given regular promotion to the post of Lecturer of Higher Secondary School in the Department of Education (S), Manipur and as such, the petitioner No. 1 is entitled to get the retiral and other pensionary benefits in the grade of Lecturer of Higher Secondary School and not in the grade of Arts Graduate Teacher. The learned counsel, accordingly, prays for disposing of the present writ petition by directing the respondents to reconsider the case of the petitioner No. 1 for payment of his pension and other retiral benefits in the grade of Lecturer of Higher Secondary School within a stipulated period.

[5] Mr. Th. Vashum, learned GA appearing for the respondents No. 1 and 3 fairly submitted that at the time of issuing the retirement order of the petitioner dated 07-12-2017 issued by the Director of Education (S), Government of Manipur, it has been inadvertently shown that the petitioner retired as an Arts Graduate Teacher and as such, the pensionary and other retiral benefits of the petitioner had been given in the grade of Arts Graduate Teacher. The learned GA also fairly submitted that on coming to know about the mistake committed by the Government, the Director of Education (S), Government of Manipur has already wrote a letter dated 05-02-2020 to the Commissioner (Edn./S), Government of Manipur stating, inter alia, that the petitioner was given regular promotion to the post of Lecturer of Higher Secondary School and also requesting for taking up further necessary action for rectification of such mistake. The learned GA

also submitted that if this court gave direction to the respondents to rectify such mistake, the authorities will promptly take up necessary action to rectify the mistake and to release the pensionary and other retiral benefits of the petitioner No. 1 in the grade of Lecturer of Higher Secondary School.

[6] Mr. S. Suresh, learned counsel appearing for the respondent No. 2 submitted that issuance of the impugned letter dated 10-10-2019 and releasing of pension and other retiral benefits of the petitioner No. 1 had been done on the basis of the retirement order of the petitioner, wherein it has been shown that the petitioner retired as an Arts Graduate Teacher and not as a Lecturer of Higher Secondary School. The learned counsel also fairly submitted that if the Administrative Department and the concerned authorities of the Government submitted a fresh proposal for releasing the pensionary and other retiral benefits of the petitioner in the grade of Lecturer of Higher Secondary School, the Office of the Accountant General (A&E), Manipur will take up prompt and necessary steps for releasing the pensionary and other retiral benefits of the deceased petitioner No. 1 as expeditiously as possible.

[7] I have heard the submissions advanced by the counsel appearing for the parties at length and also carefully examined all the materials available on record. In the present case, it is an undisputed fact that the petitioner No. 1, husband of the petitioner No. 2, was given regular promotion to the post of Lecturer of Higher Secondary School by an order dated 16-06-2012, however, while issuing the retirement order of the petitioner, the Director of Education (S), Government of Manipur wrongly show that the petitioner retired as an Arts Graduate Teacher. On examination of the orders issued by the Government in connection with the promotion of the petitioner No. 1 as well as other connected documents, this court has no doubt that the petitioner No. 1 retired as a Lecturer of Higher Secondary School, however, due to the mistake committed by the Director of Edn.(S) while issuing the order dated 07-12-2017, the petitioner was wrongly shown to have retired as an Arts Graduate Teacher. This factum has also been admitted by the authorities.

[8] Considering the submissions advanced by the counsel appearing for the parties and the undisputed facts as stated hereinabove, this court is of the considered view that the petitioner No. 1 was entitled to get pensionary and other retirement benefits in the grade of Lecturer of Higher Secondary School and not as an Arts Graduate Teacher. Accordingly, the present writ petition is hereby disposed of with the following directions:-

- (i) The petitioner No. 2 is directed to submit, as soon as possible, necessary documents of the deceased petitioner No. 1 which are in her custody, to the Director, Edn.(S), Government of Manipur, for the purpose of preparation of his pensionary and retiral benefits;
- (ii) The Education (S) Department, respondents No. 1 and 3, are directed to submit all the necessary papers for preparation of the pension and other retiral benefits of the deceased petitioner No. 1 in the grade of Lecturer of Higher Secondary School to the Office of the Principal Accountant General (A&E), Manipur as expeditiously as possible but not later than three months from the date of receipt of the documents submitted by the petitioner No. 2; and
- (iii) The Office of the Principal Accountant General (A&E), Manipur is directed to expedite and complete the process for payment of pensionary and other retiral benefits of the petitioner No. 1 as early as possible, preferably within a period of one month from the date of receipt of all the necessary documents from the Government side.

With the aforesaid directions, the present writ petition is disposed of. Parties are to bear their own costs.

JUDGE

Devananda