

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

WP(C)No.843 of 2022

Shri RK. Joysana Singh, aged about 72 years, S/o (L) RK Sanatomba Singh, a resident of Moirangkhom Sougaijam Leirak, PO & PS Imphal, District Imphal West, Manipur, Administrative Officer(Retired) Manipur Pollution Control Board(MPCB).

...Petitioner

- Versus -

1. The State of Manipur represented by the Principal Secretary/Commissioner/Secretary(Forest & Environment), Govt. of Manipur, Old Secretariat, Babupara, PO & PS Imphal, Manipur-795001.
2. The Principal Secretary/Commissioner/Secretary(Finance), Government of Manipur, Old Secretariat, Babupara, PO & PS Imphal, Manipur-795001.
3. Manipur Pollution Control Board(MPCB) through its Chairman/Member Secretary, Manipur Pollution Control Board(MPCB), Lamphelpat, Imphal West DC Office Complex, PO Imphal & PS Lamphel, Imphal West, Manipur-795004.

...Respondents

**BEFORE
HON'BLE JUSTICE MR. JUSTICE A. GUNESHWAR SHARMA
ORDER**

06.03.2024.

[1] Heard Mr. M. Rendy, learned counsel appearing for the petitioner and Mr. Th. Sukumar, learned GA for the State respondents.

[2] The petitioner retired on 31.08.2009 as Administrative Officer from the Manipur Pollution Control Board(MPCB). As his Revised Retirement Gratuity and Leave Encashment were not released by the respondents, he submitted a representation dated 30.08.2018 to the Administrative Secretary(Forest & Environment, Finance), Government of Manipur and Manipur Pollution Control Board. Since no action was taken with respect to the said representation, the petitioner approached this Court by way of writ petition being WP(C)No.821 of 2018 and vide order dated 07.09.2018, the writ petition was disposed of with a direction to the respondents to dispose of the representation by passing a speaking order.

[3] Thereafter, vide Office Memorandum dated 15.12.2018, the Chairman, Manipur Pollution Control Board disposed of the representation dated 30.08.2018 by stating that the claim of Revised Retirement Gratuity and Leave Encashment of the petitioner would not be applicable without the approval of the State Government and accordingly, the said representation was disposed of.

[4] The petitioner again approached this Court by way of the present writ petition being WP(C)No.843 of 2022 inter alia praying for setting aside the impugned Office Memorandum dated 15.12.2018 and also for direction to re-consider the representation dated 30.08.2018 by the respondents.

[5] Mr. Th. Sukumar, learned GA relying on the counter affidavit filed by the State respondents submits that as per the relevant Rules especially the Office Memorandum dated 26.03.2011, the petitioner is not entitled with the Revised Retirement Gratuity and Leave Encashment and hence, writ petition may be dismissed.

[6] Mr. M. Rendy, learned counsel appearing for the petitioner has pointed out that vide order dated 07.9.2018 passed in

WP(C)No.821 of 2018, this Court directed all the respondents to pass a speaking order and the Administrative Department is yet to pass a speaking order and the impugned order dated 15.12.2018 issued by the Manipur Pollution Control Board simply says that the Revised Retirement Gratuity and Leave Encashment claimed by the petitioner is not applicable without the approval of the State Government.

[7] Mr. M. Rendy, learned counsel for the petitioner further submits that the writ petition may be disposed of by directing the respondents especially, respondent Nos. 1 & 2 to re-consider and dispose of the representation dated 30.08.2018 submitted by the petitioner in terms of the order dated 07.09.2018 passed by this Court in WP(C)No.821 of 2018.

[8] Recording the submission made at the Bar, the writ petition is disposed of with a direction to respondent Nos.1 & 2 to consider and dispose of the representation dated 30.08.2018 by a speaking order in terms of the order dated 07.09.2018 passed by this Court in WP(C)No.821 of 2018 and as per rules within a period of 2(two) months from the date of receipt of a copy of this order.

[9] It is made clear that this Court does not express any opinion on the merit of the case.

[10] Furnish a copy of this order to the learned counsel appearing for the parties.

JUDGE

John Kom