

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

WP(C) No. 984 of 2017

Kshetrimayum Aber Singh

.....Petitioner/s

- Versus -

State of Manipur

.... Respondent/s

BEFORE
HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA

Order

25.06.2024

[1] Heard Mr. L. Raju, learned counsel for the petitioner and Mr. Th. Sukumar, learned G.A. for the State respondent. None appeared for respondent Nos. 3 & 4.

[2] Mr. L. Raju, learned counsel for the petitioner, submits that the petitioner namely Kshetrimayum Aber Singh retired as Executive Officer of the Kakching Municipal Council on 29.02.2012. Since, the Council was facing financial problem, resolution No. 6 of the emergency meeting of the Kakching Municipal Council held on 20.02.2016 resolved that due to poor financial condition instead of pensions and other benefits, one time lumpsum amount will be paid to the petitioner in lieu of pension and vide order dated 04.03.2016, the Executive Officer of the Kakching Municipal Council issued an order

that the petitioner, who was former Executive Officer of the Council, would be entitled one time lumpsum benefit. One Mr. L. Sanajaoba Singh, a retired Executive Officer of the Bishnupur Municipal Council, approached this Court by way of WP(C) No. 3 of 2016 for denying regular pension and vide order dated 04.07.2016, this Court directed the authorities to work out certain modalities keeping in consideration of the financial constrain for payment of pension to the retired employees.

[3] In pursuance of the order dated 02.07.2016 passed by this Court in WP(C) No. 3 of 2016, the Director (MAHUD), Government of Manipur put up a proposal dated 10.11.2016 to the Additional Chief Secretary (MAHUD), Government of Manipur for payment of pensionary benefit to the retired Executive Officer of the various Municipalities of Manipur. In the proposal dated 10.11.2016, the name of 6 (six) retired Executive Officers of various Municipal Councils were mentioned and at serial No. 4, the name of the petitioner was included. The proposal is reproduced as:

*“Government of Manipur
Directorate: MAHUD Department
No. 6/12/2016-DIR(MAHUD) Imphal, the 10th November, 2016
To,*

*The Addl. Chief Secretary (MAHUD),
Government of Manipur.
Subject: Pensionary benefit after retirement from service as
Executive Officers in the Municipalities of Manipur.*

Sir,

I have the honour to inform you that there are 6 (six) Executive Officers who has retired from service after serving as Executive Officer in the Municipalities of Manipur. The incumbents are:

No.	Name	Designation	Name of ULB	Date of Retirement	Date of Birth
1	M. Mani Singh	E.O.	Nambol MC	28.02.2003	01.03.1945
2	M. Manihar Singh	-do-	Moirang MC	01.01.2004	01.01.1946
3	N. Mangijao Singh	-do-	Thoubal MC	28.02.2011	01.03.1952
4	Ksh. Aber Singh	-do-	Kakching MC	29.02.2012	31.03.1953
5	N. Sanajaoba Singh	-do-	Bishnupur MC	28.02.2015	01.03.1955
6	W. Brajabidhu Singh	-do-	Ningthoukhong MC	29.02.2016	01.03.1956

Under Section 47 of the Manipur Municipalities Act, 1994, the pension and other retirement benefits to the employees of the Municipalities, including Executive Officers, are to be paid out of the Municipal funds. However, the Municipalities in the State are unable to meet these liabilities owing to their poor financial positions. As a result, these officers are going through financial hardships.

Having no alternative, some of the Officers have already approached the Hon'ble High Court for its interventions thereby resulting to pending litigation in the Hon'ble High Court. The Hon'ble High Court of Manipur in one of its order dated 04.07.2016 passed in WP(C) No. 3 of 2016 directed that for payment of pensionary benefits, the Respondent authorities should work out certain modalities keeping into consideration their financial constraints.

It may also be mentioned here that the Government has no made the posts of Executive Officers as Government Post by creating the said posts in the Department of MAHUD and subsequently, absorbing the services of the existing executive Officers to the said posts with their past services and liabilities, including pensionary benefits. This is creating an atmosphere of unequal treatment of the equals and bringing resentments to the retired Officers.

Therefore, in the light of the above facts, it is proposed that the pensionary liabilities of these retired Executive Officers be absorbed by the State Govt. and the same is paid out of the consolidated fund of the Govt. and disbursed through State Treasuries.

Yours faithfully

(N. Gitkumar Singh)

Director (MAHUD), Govt. of Manipur"

[4] Vide order dated 30.03.2017, the Addl. Chief Secretary (MAHUD), Government of Manipur sanctioned a sum of Rs. 15 crore under 3rd State Finance Commission Award for payment of pension of all the retired Executive Officers of the Municipalities. In terms of the

proposal dated 10.11.2016 and sanction order dated 30.03.2017, writ petition being WP(C) No. 3 of 2016 was disposed of on 04.10.2017 with a direction to make necessary payment within a period of 3 (three) months.

[5] Mr. L. Raju, learned counsel for the petitioner, submits that in spite of the order dated 04.10.2017 passed by this Court in connected writ petition being WP(C) No. 3 of 2016, the petitioner has not received any payment since March, 2022.

[6] On the other hand, Mr. Th. Sukumar, learned G.A. for the State respondent, submits that in terms of the proposal dated 23.03.2018, the State Government has made a proposal for payment of pension in terms of the letter dated 23.03.2018 of the Under Secretary (MAHUD), Government of Manipur to the Director (MAHUD), Manipur regarding payment of pension for the 6 (six) Executive Officers including the petitioner herein out of the 3rd State Finance Commission and a sum of Rs. 52,80,362/- has been made to the petitioner till then as pensionary benefit upto March, 2022.

[7] Vide another order dated 22.09.2018, the Secretary (MAHUD), Government of Manipur issued an order whereby Drawing and Disbursing Officers of the Municipal Council/Executive Officers of the Urban Local Bodies are authorized to release salary/pensions without the approval of the concerned Mayor/Chairperson or the Council. It is submitted that this order was issued to release all the salaries and pension to the employees.

[8] In view of the submissions made at the bar and materials on record, this Court set aside resolution No. 6 dated 20.02.2016 passed by the Kakching Municipal Council for payment of one time lumpsum amount in view of the pension to the petitioner and office order dated 04.03.2016 in this regard.

[9] Respondents are directed to release the pension of the petitioner as per Rules. Respondents shall make endeavour to release the arrears of pension since April, 2022 within a period of 6 (six) months from the date of receipt of a copy of this order.

[10] With this observation, writ petition is disposed of.

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

JUDGE

Kh. Joshua Maring

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