

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

WP(C) No.951 of 2022

Smt Chingangbam Pateshori Devi
aged about 50 years, w/o (L)
Chingangbam Nobin Singh, resident of
Lamdeng Mayai Leikai, PO & PS
Lamsang, District Imphal West,
Manipur 795146.

... Petitioner

-Versus-

1. The State of Manipur through the
Additional Chief Secretary/Principal Secretary/
Commissioner, (PHED) Government of Manipur,
New Secretariat building, PO & PS Imphal West
District, Manipur 795001.

2. The Chief Engineer, PHED, Government of
Manipur, Khuyathong, PO & PS Imphal, Imphal
West, Manipur 795001.

3. The Accountant General (A & E), Manipur,
Babupara, PO & PS, Imphal, Imphal
West District, Manipur.

... Respondents

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

For the Petitioner:	Mr. Kh. Tarunkumar, Sr.Adv. & Ms. Nirmala, Advocate
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For the Respondents:	Mrs. Ch. Sundari, GA Mr. S. Suresh, Advocate
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Date of Hearing:	05.10.2023.
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Date of Judgment:	05.02.2024
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JUDGMENT AND ORDER [CAV]

[1] Heard Mr. Kh. Tarunkumar, learned senior counsel assisted by Ms. Nirmala, learned counsel for the petitioner, Mrs. Ch. Sundari, learned Government Advocate for the State Respondent Nos. 1 and 2 and Mr. S. Suresh, learned counsel for respondent No.3, Principal Accountant General, Manipur.

[2] The petitioner herein, Smt. Chingangbam Pateshori Devi, is the widow of late Chingangbam Nobin Singh, who was serving as Work-Charged Technical Jugali in the Public Health Engineering Department (PHED), Government of Manipur, who died while in service on 20.05.2018 leaving behind the petitioner and her children.

[3] The petitioner approached this Court by way of the present petition under Article 226 of the Constitution of India, inter alia, praying for giving direction to the respondents to release family pension and other retirement benefits with respect to her deceased husband.

The prayer in the writ petition is reproduced hereunder:

“(i) call for the records of the case and issue rule nisi calling upon the respondents to show cause as to why the prayer prayed for by the

petitioner shall not be granted and after hearing them make the rule absolute.

(ii) issue a writ of mandamus by directing the respondents to release the family pension and other retirement benefits of the petitioner for the service rendered by her husband as Work Charged Technical Jugali in the PHED, Manipur within a stipulated period.

(iii) pass any other appropriate writ/order/direction that this Hon'ble Court deems fit and proper."

[4] It is the case of the petitioner that vide letter dated 04.10.2013 written by the Special Officer, Directorate of Management of Information System (MIS, in short) to the Chief Engineer, PHED, Government of Manipur, furnished the list of Work-Charged Employees of the office of the Executive Engineer Drainage & Sewage Division of PHED, for verification and the name of petitioner's husband, Ch. Nobin Singh was shown at Sl.No.4 with Specific Identification Number (SIN) 00797. Vide another letter dated 5.12.2016, the Special Officer, Directorate of MIS, further informed the Chief Engineer, PHED, Government of Manipur that up-dation of Work Charged Employees in the CPIS was completed and name of the petitioner's husband was shown at Sl.No.4. The Executive Engineer, Drainage and Sewerage Division, PHED, Manipur issued Pay Certificate dated 24.07.2017 of working as

Technical Jugali to the husband of the petitioner. The husband of the petitioner, Ch. Nobin Singh expired on 20.05.2018 as per Death Certificate issued by the Lamsang Nagar Panchayat, Lamsang, dated 26.05.2018.

[5] Mr. Kh. Tarunkumar, learned senior counsel submits that the case of the petitioner is covered by Judgment and Order dated 10.08.2016 passed by a Single Judge of this Court in WP(C) No. 369 of 2015, whereby interpreting the provisions of Rules 6A & 6B of "Terminal Benefits for Work-Charged Staffs of PWD/IFCD/PHED/MI and Electricity (Manipur) Rules, 1978" (as amended) to the effect that terminal benefits are entitled to both permanent and non-permanent work-charged employees and their family members. In arriving the said finding, reliance was placed on a decision of the Division Bench of the then Gauhati High Court, Imphal Bench (now High Court of Manipur) dated 12.08.2010 passed in WA No.29 of 2009. Para 5 of the order dated 10.08.2026 in WP(C) No. 369 of 2015 is reproduced below for easy reference.

"[5] It may be true that initially the Terminal Benefits Rules, 1978 were contemplated to provide terminal benefits only to the permanent benefits only to the permanent work-charged staff

and there was no provision for grant of family pension. But by way of an amendment vide Notification dated 21.06.1990, Rule 6A was added wherein it is provided that family pension is admissible to the family members of the work-charged employees. Further amendment came to be made vide Notification dated 06.06.1991 adding Rule 6B which provides that terminal benefit is admissible to the work-charged employees who retired prior to 16.09.1978 but are living on the date of issue of the order and family pension to the family members of the work-charged employee who died prior to 21.06.1990 provided the family members are living on the date of issue of the order. From the conjoint reading of the said Rule 6A and 6B, it is evident that family pension is admissible to the family members of all the work-charged employees who had died and it is nowhere provided therein that the terminal benefits shall be granted to the permanent work-charged employees only or the members of its family."

[6] Mr. Kh. Tarunkumar, learned senior counsel has pointed out that the afore-said findings of the Single Judge in judgment dated 10.08.2026 in WP(C) No. 369 of 2015 was upheld by a Division Bench of this Court vide judgment dated 03.05.2023 in WA No.48 of 2018. Relevant para are reproduced below:

"20. While allowing the writ petition filed by the first respondent, the learned Single Judge has followed the judgment of the Division Bench of the Gauhati High Court, Imphal Bench in WA No.29 of 2009 dated 12.08.2010, wherein a similar issue was dealt with and held that for grant of family pension, the confirmation of service is not

necessary and in case the confirmation of service is required for it, the authority may do so by passing appropriate orders as had been done in many cases in the past. In WA No.29 of 2009, the Division Bench of the Gauhati High Court further held that the confirmation of service or permanence in service by issuance of specific order is always an uncertainty and in normal circumstances, an employee after rendering a particular length of service is entitled to get his service confirmed or permanent. The Division Bench of Gauhati High Court interpreted Rule 6(B) by holding that to get the benefit of the newly added Rule 6 (B), the work-charged employees need not be confirmed or permanent. Nothing has been produced by the appellants to show that the judgment of the Division Bench of Gauhati High Court in WA No.29 of 2009 dated 12.08.2010 has been reversed by the Superior Court.

21. As stated supra, the original Terminal Benefits Rules framed in 1978 had undergone many amendments referred to above. The Terminal Benefit Rules, 1978 have been framed to give certain benefits to the employees belonging to work-charged employees and not to regular employees. Thus, the aforesaid Rules are meant to be beneficial to the work-charged employees.

22. It is well settled that while interpreting any beneficial law, if two views are possible, such view as would benefit the employees ought to be preferred. Therefore, in the absence of a specific provision under Rule 6 (A) that it would apply only to confirmed or permanent work-charged employees as introduced on 21.6.1990, on the basis of which the first respondent has claimed the benefit of pension/family pension and in the light of the liberal interpretation given to Rule 6(B) by the Division Bench of Gauhati High Court in WA No.29 of 2009 dated 12.8.2010, we are of the considered view that the newly added Rule 6 (A) on 21.6.1990 as it stood, cannot be confined to

only the permanent or confirmed employees as contended by the appellants and can be made applicable to non-permanent or non-confirmed work-charged employees also. That apart, the work-charged employees of the first respondent organization are similarly situated persons of the work-charged employee in WA No.29 of 2009, dated 12.8.2010. Applying the said decision pronounced in WA No.29 of 2009, the learned Single Judge has rightly allowed the writ petition. We do not find any infirmity in the order of the learned Single Judge and the present writ appeal fails.”

[7] Mr. Kh. Tarunkumar, learned senior counsel for the petitioner submits that in view of the settled proposition of law with regards to Terminal Benefits Rules, 1978 (as amended), the petitioner who is widow of a work-charged employee of the respondent is entitled to the family pension and other terminal benefits as mandated by Rules 6A & 6B. It is accordingly prayed that necessary directions be issued to the respondents for the terminal benefits and family pension.

[8] Mrs. Ch. Sundari, learned GA for State Respondent Nos. 1 & 2 submits that the above decisions cited by the learned senior counsel for the petitioner are not applicable to the fact of the present case. It is stated that vide order dated 11.01.1999, the husband of the petitioner and others were converted to work-charged staff from Muster Roll/Casual as one time policy and the so converted work-charged posts shall

stand automatically abolished as and when the concerned incumbents retire from service on superannuation or on termination from their service as the case may be. It is further stated that Rule 6 of the Terminal Benefits Rules, 1978 provides that only permanent worked-charged employee who has put 30 years of service as permanent, is entitled to terminal benefits. It is pointed out that the husband of the petitioner was not confirmed against any permanent post in terms of Office Memorandum dated 22.01.2001 issued by Finance Department (Pay Implementation Cell), Govt. of Manipur. It is submitted that the relied decisions are not precedent, as the OM dated 22.01.2001 was not considered in those judgments. It is prayed that the writ petition may be dismissed.

[9] Mr. S. Suresh, learned counsel for respondent No.3 submits that the office of the Principal Accountant General, Manipur is the field office of the Comptroller and Auditor General of India with respect to functions such as GPF, Pension and Gazetted entitlement in Manipur. However, the administrative authority and power are vested with the competent authorities of the State Government. It is only after the State Government issues a specific order relaxing the Rules/Instructions as the case may be, the Principal

Accountant General can implement such decisions/orders. It is further clarified that until the family pension and other related necessary documents in respect of late Ch. Nobin Singh Ex-W/C Jugali are received from the Administrative Department, no action is pending on the part of Respondent No.3.

[10] This Court has considered the rival submissions made at bar, the pleadings of the parties and the settled propositions of law in this regard. From the above cited decisions, it is quite clear that on joint reading of Rules 6A & 6B of "Terminal Benefits for Work-Charged Staffs of PWD/IFCD/PHED/MI and Electricity (Manipur) Rules, 1978" (as amended), the terminal benefits are entitled to both permanent and non-permanent work-charged employees and their family members. It has been held that there is no difference between the permanent and non-permanent work-charged employees for availing terminal benefits including family pension. The Rules of 1978 does not specify any requirement of confirmation to avail terminal benefit. This Court does not find any force in the submission of Mrs. Ch. Sundari, learned GA to the fact that the earlier decisions are not present, as the OM dated 22.01.2001 for confirmation of

work-charged employees was not considered in those decisions.

[11] In view of the above discussions and observations, the present writ petition is allowed. The respondents are directed to take steps for releasing service pension and other retirement benefits to the petitioner in terms of Rules 6A & 6B of "Terminal Benefits for Work-Charged Staffs of PWD/IFCD/PHED/MI and Electricity (Manipur) Rules, 1978" (as amended). The administrative department is directed to complete the process of necessary papers within a period of 2 (two) months from the date of receipt of copy of this order and Principal Accountant General, Manipur shall issue necessary authority within a period of 1 (one) month from the date of receipt of necessary documents from the administrative department. No cost.

[12] Send a copy of this order to the respondents for information and necessary compliance.

JUDGE

FR/NFR
Priyojit