

**IN THE COURT OF MANIPUR**

**AT IMPHAL**

**WP (C) No.964 of 2022**

Miss. Irengbam Purnimashi Devi, aged about 62 years D/o (late) Irengbam Gouramani Singh, resident of Khagempali Pankha, P.O. & P.S. & Imphal and District Imphal West, Manipur-795001.

...PETITIONER.

-Versus-

1. The State of Manipur through the Principal Secretary/Commissioner/ Secretary (Finance), Govt. of Manipur, Manipur Secretariat, Imphal West- 795001.
2. The Director of Treasuries and Accounts, Govt. of Manipur, Lamphelpat Imphal, Imphal West, Manipur-795004.
3. The Treasury Officer, Lamphel, Govt. Of Manipur, Lamphelpat, Imphal West District, Manipur -795004
4. The Principal Accountant General (A & E), Manipur, Imphal, Babupara, Imphal West, Manipur-795001.

...RESPONDENTS

**BEFORE**

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

|                     |   |                                                |
|---------------------|---|------------------------------------------------|
| For the Petitioners | : | Mrs. A. Noutuneshwari Devi, Advocate           |
| For the Respondents | : | Mr. Shyam Sharma G.A.; Mr. S. Suresh, Advocate |
| Date of Hearing     | : | 17-07-2024/29-07-2024/17-12-2024               |
| Date of Order       | : | 27-12-2024                                     |

## **JUDGEMENT& ORDER**

- 1.** The present writ petition is being filed for seeking a direction to the respondents for payment of all the terminal benefits including family pension for the service rendered by her late father within a stipulated period.
- 2.** The petitioner is the unmarried handicapped daughter of her late parents namely Irengbam Gouramani Singh and Irengbam (O) Nungshitombi Devi who died on 22-09-2019 & 29-07-2018.
- 3.** There are/ were five issue of the late parent of the petitioner including the petitioner. They are- (1) Irengbam (ningol) Kangjam (O) Geeta Devi,(2) The petitioner, (3) Irengbam (Ningol) Sapam(O) Sobita Devi. (4) Irengbam(ningol) Thokchom (O) Babita Devi and (5) Irengbam Open @ Gandhi Singh. The said Open @ Gandhi Singh had died prior to the expiry of the late father of the petitioner. Hence, all the married sisters of the petitioner have no right for claiming the benefits of their late father i.e. family pension, remaining amounts of terminal benefits as well as unpaid amount of pay and allowances of her late father.
- 4.** Late father of the petitioner who was serving as senior Accountant of the Department of Finance, Govt. of Manipur and posted at the office of the Treasury Officer, Senapati was placed under suspension Vide the order dated 02-03-1982 in contemplation of the Departmental enquiry /disciplinary proceeding. The said order of suspension of the petitioner's father was later on revoked on 03-04-1989. Thereafter, the late father of the petitioner was allowed to retire from service on attaining the age of Superannuation w.e.f. 31-12-1999 vide the order dated 14-01-1999 issued by the Competent authority. At the time of allowing the petitioner to retire from service, the said departmental enquiry contemplated against him was not closed and also a special trial was also pending against him. Later on, the said special trail was concluded and the late father of the petitioner was acquitted from the criminal charges. In view of the said fact, the late father of the petitioner was allowed to enjoy provisional pension under pension payment order

No.SM/25082. In the said PPO, no nominee other than the late mother of the petitioner was recorded.

**5.** Though the late father of the petitioner was acquitted from the criminal liability, he was not allowed to enjoy full amount of pension as well as other pensionary benefits for which, the late father of the petitioner filed a writ petition being W.P(C) No.29 of 2018 in this Hon'ble Court with the prayer for appropriate relief. The said writ petition was disposed of vide order dated 11-06-2018 with the direction that the petitioner will be entitled to full pensionary benefits which shall be worked out by the respondent authority within a period of 3(three) months from the date of passing of the said order.

**6.** The Principal Secretary (Finance), Govt. of Manipur issued an order on 23-01-2019 whereby the period from 02-03-1982 to 03-04-1989, which the late father of the petitioner was under suspension was treated as on duty for all purposes and all pensionary and other retirement benefits including arrear be released. The said order was issued in Compliance with the judgment and order dated 11-06-2018 passed by this Hon'ble Court in W.P(C) No.29 of 2018.

**7.** The father of the petitioner submitted representation on 11-03-2019 to the Treasury Officer and also representation dated 14-08-2019 to the Senior Deputy Accountant General (A&E), Manipur Imphal praying for allowing him to enjoy full pay and allowances/salary as well as pensionary benefits for the period from 02-03-1982 to 03-04-1989 .

**8.** The late father of the petitioner was died on 22-09-2019 without getting the benefits of the said order. After the expiry of her father, the petitioner submitted representation on 22-10-2019 to the Director, Treasuries and Accounts, Govt. of Manipur and also representation on 02-01-2020 to the Senior Deputy Accountant General ( A&E) praying for allowing her to enjoy their pensionary benefits of her late father.

**9.** The petitioner being the unmarried daughter suffering from Rheumatoid Arthritis sequelac of four limbs with 50 % disability, is entitled to all the benefits including family pension as provided under relevant provisions of law/rules including Rule 54 of the Central

Civil Services (Pension) Rules, 1972 which is adopted by the Government of Manipur as Manipur Services (Pension) Rules, 1977 w.e.f. the next date of expiry of her late father i.e. w.e.f. 23-09-2019 till date.

**10.** However, the authorities concerned/ respondents have been denying the same inspite of the repeated request made by the petitioner. Hence this petition seeking a direction to the respondents for payment of all the benefits including family pension within a stipulated period.

**11.** Heard Mrs. A. Noutuneshwari, learned counsel for the petitioner, Mr. Shyam Sharma, learned counsel for the respondent and Mr. S. Suresh, learned counsel for the Principal Accountant General.

**12.** It is submitted by learned counsel for the petitioner that an application U/s 372 of the Indian Succession Act, 1925, was filed in District Judge, Imphal West being Original Suit (Succession) Case No. 5 of 2023 praying for grant of Succession Certificate in favour of the plaintiff No. 2 (Irengbam Purnimashi Devi, the petitioner herein) for receiving arrears of pay and allowances of her late father. Vide order dated 04.10.2023 passed by learned District Judge, Imphal West in OS(Succ) No. 5 of 2023, it was held that Irengbam Purnimashi Devi (the petitioner herein) is a legal heir of (L) Irengbam Gouramani Singh and she is the best suitable person to be granted Succession Certificate in respect of the sum of Rs. 78,479/- (Rupees seventy eight thousand four hundred seventy nine) only, being the amount of unpaid arrear pay and allowance admissible of her late father, I. Gouramani Singh. Accordingly, the said amount was paid to the petitioner herein. It is submitted that her name can be considered for family pension and other terminal benefits of her deceased father.

**13.** In the affidavit-in-opposition filed by the respondent No. 2, it is submitted that as per extant Pension Rules, on the expiry of a pensioner, terminal benefits are given to the legal wife or children of the pensioner, as the case maybe, as mentioned in the pension book of the pensioner. The petitioner, who is one of the 5 (five) children of the deceased pensioner mentioned in the application, is not listed as a nominee in both halves of

PPO/SM/25082. It is further submitted that none of the five (5) children of the pensioner are listed as a nominee. Learned GA submits that in such situation, the family pension cannot be released to the petitioner. Mr. S. Suresh, learned counsel for the respondent No.4 submits that the office of the Principal Accountant General, Manipur cannot process anything in favour of the petitioner till the Administrative Department forwards the necessary papers.

**14.** The learned counsel for the petitioner has relied on the decision of this Court reported in **2020 Legal Eagle (Manipur) 54** in the case of **Kangnu vs Union of India and others** wherein it was held that non-mentioning of the name of the nominee in the Pension Payment order has not totally prohibited the petitioner from claiming family pension and as such legal heirs not named as nominee or not named in the pension order can be paid family pension and other retiral benefits by incorporating their names in the Pension Payment order.

**15.** In view of the settled proposition of law in the above case of **Kangnu (supra)** and similarity of the factual matrix with the case in hand, this Court directs the respondents to release the pensionary and retiral benefits including the family pension of late I. Gouramani Singh in favour of his unmarried daughter, I. Purnimashi Devi. Administrative Department is directed to forward necessary documents to the office of the Principal Accountant General, Manipur within a period of one month from the date of receipt of a copy of this order and necessary authority be issued within a further period of one month by the office of the Principal Accountant General, Manipur from the date of receipt of necessary papers.

**16.** With these directions and observations, the writ petition is disposed of. Send a copy of this order to the respondents for information and necessary action.

**JUDGE**

**FR/NFR**  
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