

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

WP(C) No.985 of 2022

Laishram Manihar Singh

... Petitioner

-Versus-

State of Manipur & 3 Ors

... Respondents

BEFORE

HON'BLE MR. JUSTICE A.GUNESHWAR SHARMA

22.07.2024

Heard Mr.A.Arunkumar, learned counsel for the petitioner and Mr.Sukumar, learned Government Advocate for the State respondents.

The petitioner, who was working as Production Engineer in the Manipur Cycle Corporation Ltd was absorbed in the Department of Technical Education as Foreman (Mechanic) vide order dated 1.3.2003 (Annexure A/4). In para 2 of the said order, it is stated that separate orders in regard to the benefits that may be admissible to the officer for the past service rendered on deputation will be issued later on. Since separate order with regard to past service benefits has not been issued, the petitioner approached this Court by way of writ petition praying, inter alia, for linking up his past service rendered in the Manipur Cycle Corporation Ltd and in the Govt Polytechnic on deputation, prior to his absorption.

Mr.Arunkumar, learned counsel for the petitioner also submits that vide order dated 18.12.2010 (Annexure A/13) issued by the Under Secretary, (Hr Edn) Govt of Manipur, past service of one Shri Atalbabu Singh of Manipur Cycle Corporation was granted as qualifying service for the purpose of pension in the absorbed department. It is submitted that the case of the petitioner and Mr.Atalbabu Singh are similar and same benefit cannot be denied to the petitioner.

Mr.Sukumar, learned Government Advocate, referring to the counter affidavit submits that the matter was placed before the State Cabinet and was deferred. It is also stated that Office Memorandum dated 11.12.2023 issued by the Finance Department, Government of Manipur kept in abeyance the linking up past service for payment of pensionary benefit and stated that in view of the Office Memorandum dated 11.12.2023 and non-consideration of the matter by the State Cabinet, case of the petitioner cannot be taken up.

This Court perused the materials on record and considered the submissions made at the Bar. In the order dated 1.3.2003, the Under Secretary (Tech Edn), Govt of Manipur, while absorbing the service of the petitioner in the department of Higher & Technical Education, it was stipulated that separate orders in regard to the benefits that may be admissible to the officer for the past service rendered in the Manipur Cycles Corpn and in the Govt Polytechnic on deputation basis will be issued. However, the said order was not issued.

It is seen from the order dated 18.12.2010 issued by the Department of Higher Edn, Govt of Manipur, past service rendered by one Atalbabu Singh in the Manipur Cycles Corpn has been counted as qualifying service for the purpose of pension and there is no reason to deny the same benefit to the petitioner, who was also working in the Manipur Cycle Corpn.

Accordingly, the writ petition is allowed and past service rendered by the petitioner in the Manipur Cycle Corpn and on deputation in the Higher & Technical Edn Department will be considered for the purpose of pensionary benefits.

With the above observation, the writ petition is allowed and disposed of.

JUDGE

RAJKUMAR
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SINGH

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by RAJKUMAR
PRIYOJIT SINGH
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