

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

WP(C) No. 24 of 2021

RK Purnachandra Singh

... Petitioner

Vs.

State of Manipur & ors.

... Respondents

B E F O R E
HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH

O R D E R

22-04-2025

[1] Heard Mrs. Sillori, learned counsel appearing for the petitioner; Mr. Shyam Sharma, learned GA appearing for the respondents No. 1 and 2 and Mr. S. Jasobanta, learned counsel appearing for the respondent No. 3.

[2] The brief facts of the present case are that the petitioner was initially appointed as Work-Charge Khalasi in the Public Works Department, Manipur by an order dated 25-09-1978 issued by the Superintending Engineer, Bldgs. & National Highways Projects Circle, PWD, Manipur. After rendering about four years as Work-Charge employee in the PWD, the service of the petitioner was terminated by an order dated 16-04-1982 issued by the Superintending Engineer, National Highways Circle, PWD, Manipur. Subsequently, by an order dated 08-08-1989 issued by the Superintending Engineer, National Highways Circle, PWD, Manipur, the termination order dated 16-04-1982 in respect of the petitioner was revoked and the petitioner was reinstated in his original post of Work-Charge Khalasi with immediate effect. Thereafter, on the recommendation of the Committee constituted for declaring permanency of Work-Charge employees of PWD, Manipur, the work-charge service of the petitioner was confirmed

w.e.f. 19-12-1989 by issuing an order dated 27-09-1999 issued by the Chief Engineer, PWD, Manipur.

[3] After rendering for more than twenty seven years as Work-Charge and confirmed/ permanent employee, the petitioner retired from service w.e.f. 31-12-2016 on attaining the age of superannuation vide Office Order No. 166 dated 10-11-2016 issued by the Chief Engineer, PWD, Manipur. After his retirement, the Under Secretary (PC), Government of Manipur, submitted all the necessary pension papers in respect of the present petitioner to the Accountant General (A&E), Manipur for issue of pension payment order under cover of a letter dated 04-02-2017. In response to the said letter, the Office of the Accountant General (A&E), Manipur, wrote a letter dated 26-04-2017 seeking for clarification in respect of the length of service rendered by the petitioner. Subsequently, the respondents including the Office of the Accountant General refused to prepare and issue pension payment order in respect of the present petitioner only on the ground that the petitioner had rendered only twenty seven years and four months, which is less than 30 years of qualifying service as provided under Rule 6(i)(a) of the Terminal Benefits for Work-Charged Staff of PWD/IFC/PHE/MI/ Electricity, Manipur Rules, 1978 and amendments made thereto (hereinafter referred to as "Terminal Benefits Rules").

[4] The only issue to be decided in this writ petition is whether the petitioner had rendered thirty years of qualifying service and whether he is entitled to avail pension as provided under Rule 6(i)(a) of the Terminal Benefits Rules or not. The only stand taken by the respondents in their counter affidavits and the submission advanced by the learned counsel appearing for the respondents is that as the petitioner had rendered only twenty seven years and four months service, he is not entitled to avail pension as provided under Rule 6(i)(a) of the Terminal Benefits Rules,

wherein it is provided that an employee has to render atleast thirty years to his credit for availing pension.

[5] On careful examination of the materials available on record, this court found that the petitioner was initially appointed as Work-Charge Khalasi w.e.f. 25-09-1978 and after rendering for about four years as Work-Charge employee, his service was terminated by an order dated 16-04-1982. Subsequently, the said termination order dated 16-04-1982 was revoked and the petitioner was reinstated to his original post of Work-Charge Khalasi w.e.f. 08-08-1989 by an order dated 08-08-1989. After his reinstatement in service as Work-Charge employee w.e.f. 08-08-1989, the service of the petitioner was subsequently confirmed/ made permanent w.e.f. 19-12-1989 by an order dated 27-09-1999 and thereafter, after rendering for more than twenty seven years, the petitioner retired from service w.e.f. 31-12-2016 on attaining the age of superannuation, vide Office Order No. 166 dated 10-11-2016. On examination of the above factual position, this court without any doubt found that the petitioner had rendered more than thirty years' service to his credit as a Work-Charge employee and this factum is not and cannot be disputed by the respondents.

[6] Taking into consideration the above undisputed factual position, this court arrived at a conclusion that the stand taken by the respondents that the petitioner had not rendered thirty years' service to his credit is factually incorrect. Under Rule 6(i)(a) of the Terminal Benefits Rules, it is, inter alia, provided that a permanent Work-Charge staff may be allowed to get pension if the employee has atleast thirty years to his credit. In the present case, as the petitioner had rendered more than thirty years' service as a permanent Work-Charge employee, this court is of the considered view that the petitioner is entitled to avail pension. Accordingly, the respondents are hereby directed to complete

the process for payment of pension to the petitioner and to release the same at the earliest but not later than three months from the date of receipt of a certified copy of this order. It is also made clear that in the event, the respondents failed to pay the pension due payable to the petitioner within the stipulated period mentioned hereinabove, the total amount of pension due payable to the petitioner will carry an interest @ 9 per cent per annum from the date the said amount is due payable to the petitioner till the actual payment.

With the aforesaid directions, the present writ petition is disposed of.

JUDGE

Devananda