

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

WP(C) No. 301 of 2024

Moirangthem Nandakishore

Vrs.

State of Manipur & 4 ors.

...Petitioner/s

...Respondent/s

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

**(Judgment & Order)
(ORAL)**

19.09.2025

Heard Ms. Deepika, learned counsel appearing for the petitioner; Mrs. L. Monomala, learned GA appearing for respondent Nos. 1 to 4 and Mr. S. Jasobanta, learned counsel appearing for respondent No. 5.

[2] The present writ petition has been filed with a prayer for quashing and setting aside the order dated 25-01-2024 issued by the Secretariat: Finance Department (PIC), Government of Manipur, rejecting the claim of the petitioner for granting the same pensionary benefits which were given to those pensioners who retired on or after 01-01-1996 and for directing the respondents to provide the pensionary benefits which were given to the members of the All

Manipur Pensioners' Association pursuant to the order dated 12-03-2021 issued by the Chief Secretary (Finance), Government of Manipur.

[3] The case of the petitioner is that the petitioner took voluntary retirement from service with effect from 01-09-1993 while he was serving as UDC in the Veterinary Department, Government of Manipur. Thereafter, the authorities allowed the petitioner to get pensionary benefit w.e.f. 01-09-1993 as per the applicable pension rules.

[4] Consequent upon the introduction of the Manipur Services (Revised Pay) Rules, 1999, the State Government issued Office Memorandum dated 21-04-1999 for revision of pensions/ family pensions of Government servants who retired or died on or before 31-12-1995 (pre-1996 pensioners/family pensioners) for regulating payment of their pensionary benefits. The State Government also issued another Officer memorandum on the same date, i.e. on 21-04-1999 for regulating pension/Commutation of pension of the Government servants who retired or died on or after 01-01-1996 (post 1996 pensioners).

[5] The case of the petitioner is that the method of calculation of commutation of pension of pre-1996 and post-1996 as provided under the said two office memorandums dated 21-04-1999 was

different. Having been aggrieved, some persons who are pre-1996 pensioners challenged the Office Memorandum dated 21-04-1999 for revision of pensions/family pensions of Government servants of pre-1996 pensioners and ultimately, the issue was settled by the Hon'ble Apex Court by passing an order dated 11-07-2019 in Civil Appeal No. 10857 of 2016. By the said judgment passed by the Hon'ble Apex Court, the claim made by the pre-1996 pensioners were allowed and direction was given that all pensioners, irrespective of their date of retirement, viz. pre-1996 retirees shall be entitled to revision in pension at par with those pensioners who retired post-1996 and that the arrears be paid to the respective pensioners within a period of three months from the date of passing the said judgment.

[6] The present petitioner approached the authorities for availing the same benefits which has been granted by the Hon'ble Apex Court as mentioned herein above by filing a representation dated **05-06-2023** and when the said representation was not attended to by the concerned authorities of the Government, the petitioner approached this Court by filing a writ petition registered as WP(C) No. 496 of 2023 seeking for issuing a direction by this Court to the authorities of the State Government to grant the said relief/benefits as has been granted by the Hon'ble Apex Court in the above mentioned

judgment and the consequential relief which has been granted by the State Government to those 180 pre-1996 pensioners. The said writ petition was disposed of by this Court by passing an order dated 07-07-2023 directing the Deputy Secretary (Finance/PIC), Government of Manipur to consider the representation submitted by the petitioner on its own merit and in terms of the applicable rules and to dispose of the same by issuing a speaking order within three months from the date of receipt of a certified copy of the order.

[7] In purported compliance of the direction given by this Court, the State Government issued an order dated 25-01-2024 declining to grant the claim made by the petitioner for grant of same pensionary benefit which has been given to 180 pre-1996 pensioners in terms of the direction given by the Hon'ble Apex Court in its judgment dated 11-07-2019 passed in Civil Appeal No. 10857 of 2016, inter alia, on the ground that the State Cabinet in its decision taken on 11-03-2021 had approved the payment of arrears and pensions only to the 180 members of the pre-1996 pensioners' association by treating them equally with the post-1996 pensioners as a measure limited to the writ petitioners as one time policy and not to be cited as a precedence in future.

[8] Hence, the present writ petition.

[9] It has been submitted by the learned counsel appearing for the petitioner that in the judgment dated 11-07-2019 passed by the Hon'ble Apex Court in Civil Appeal No. 10857 of 2016 filed by the All Manipur Pensioners' association, the Hon'ble Apex Court directed that all the pensioners, irrespective of their date of retirement, viz. pre-1996 retirees shall be entitled to revision in pension at par with those pensioners who retired post-1996 and that the arrears be paid to the respective pensioners within a period of three months. The learned counsel further submitted that as the petitioner is a pre-1996 pensioner and similarly situated with the members of the said All Manipur Pensioners' Association, the petitioner is entitled to get the benefits/relief as has been granted by the Hon'ble Apex Court in the aforesaid judgment dated **11-07-2019** and the consequential benefits given by the State Government under its order dated 12-03-2021 issued by the Finance Department thereby granting not only the same pensionary benefits as has been given to the post-1996 pensioners but also the arrears due payable to the members of the said association. The learned counsel, further submitted that the present writ petition be allowed by directing the authorities to give to the petitioner the said pensionary benefits including the arrear pension due payable to the petitioner in terms of the direction given by the

Hon'ble Apex Court as well as by the State Government to the members of the All Manipur Pensioners' Association.

[10] Mrs. L. Monomala, learned GA appearing for respondent Nos. 1 to 4 submitted that the impugned order dated 25-01-2024 was issued by the Finance Department (PIC), Government of Manipur, in compliance with the order dated 07-07-2023 passed by this Court in WP(C)No. 496 of 2023 thereby rejecting the representation dated 05-06-2023 submitted by the petitioner on the ground that the petitioner is not a member of the All Manipur Pensioners' Association and that his name was not included in the list of 180 members of the said association. It has also been submitted by the learned GA that the petitioner claimed revised pensionary benefits after a gap of 24 years and such the benefit which was afforded to the 180 members of the All Manipur Pensioners' Association cannot be extended to the present petitioner. The learned GA further submitted that the Government order dated 12-03-2021 was issued as a measure limited to the 180 writ petitioners of the All Manipur Pensioners' Association only and as a one time policy and accordingly, the petitioner is not entitled to make such claims. The learned GA, accordingly submitted that the present writ petition be dismissed as devoid of merit.

[11] Mr. S. Jasobanta, learned counsel appearing for respondent No. 5 submitted that the office of the Accountant General has nothing to do with the relief sought for by the petitioner in the present writ petition and that it is for the State Government to decide whether the petitioner is entitled to avail the pensionary benefit which has been given to the post-1996 pensioners.

[12] I have heard at length the submission advanced by the learned counsel appearing for the parties and also examined carefully, the materials available on record. The Hon'ble Apex Court, in its judgment dated 11-07-2019 passed in Civil Appeal No. 10857 of 2016 filed by the All Manipur Pensioners' Association categorically held that all the pensioners, irrespective of their date of retirement, viz. pre-1996 retirees shall be entitled to revision in pension at par with those pensioners who retired post-1996 and directed that arrears be paid to the respective pensioners within a period of three months from the date of judgment.

[13] In the present case, there is no dispute with regard to the fact that the petitioner is a pre-1996 petitioner and that the Government has not raised any objection or disputed the fact that the petitioner is similarly situated with the 180 members of the All Manipur Pensioners' Association, who are all pre-1996 pensioners. The grounds

raised by the respondent in rejecting the claim of the petitioner is that the benefit given by the State government to the 180 members of the All Manipur Pensioners' Association was pursuant to a State Cabinet decision taken on 11-03-2021 which approved payment of arrears of pension by treating them equally with the post-1996 pensioners as a one-time policy and limited to only those 180 members of the All Manipur Pensioners' Association, and as such, the petitioner is not entitled to the same benefits. The another ground given by the State Government is that the petitioner claimed for payment of the same pensionary benefits after a gap of 24(twenty four) years.

[14] With regard to the first ground raised by the respondents, it is to be pointed out that as the Hon'ble Apex Court has held that all pensioners, irrespective of their date of retirement shall be entitled to revision in pension at par with those pensioners who retired post - 1996 and as the petitioner is a pre-1996 pensioner and similarly situated with those 180 members of the All Manipur Pensioners' Association, this Court is of the considered view that the petitioner is entitled to get the same relief and benefit given to those 180 pre-1996 pensioners as held by the Hon'ble Apex Court and that the ground raised by the State Government is not sustainable in the eyes of law.

[15] With regard to the second ground raised by the respondents, it is on record that as soon as the Hon'ble Apex Court passed the judgment on 11-07-2019, the petitioner approached the authorities for granting the same relief by filing a representation and thereafter approached this Court by filing a writ petition and as such, this Court is of the view that the second ground raised by the respondents that there is delay in claiming the relief is contrary to the facts available on record and as such, this Court is not inclined to accept the grounds raised by the authorities.

[16] In view of the findings and reasons given herein above, this Court is satisfied that the petitioner has been able to make out a case and accordingly, the impugned order dated **25-01-2024** issued by the Secretariat, Finance Department (PIC), Government of Manipur is hereby quashed and set aside. Consequently, the respondents are directed to give the same pensionary benefit as has been given to the 180 members of the All Manipur Pensioners' Association, vide order dated 12-03-2021 issued by the Secretariat, Finance Department (PIC), Government of Manipur as expeditiously as possible, but not later than three months from the date of receipt of a certified copy of this order.

[17] With the aforesaid directions, the present writ petition is disposed of. However, there will be no order as to costs.

JUDGE

Dhakeshori