

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

WP(C) No.571 of 2018

Nongmeikapam Ibobi Singh,
aged about 66 years, s/o (L) N. Mani Singh,
resident of Bashikhong, PO Singjamei,
PS Irilbung, Imphal East District,
Pin No.795008. ... Petitioner

(Smt Nongmeikapam Sorojini Devi
Aged about 65 years w/o N. Ibobi Singh
resident of Bashikhong, PO Singjamei,
PS Irilbung, Imphal East District,
Pin No.795008.)
[impleaded as LR of the deceased petitioner vide order dated
01.03.2024]

-Versus-

1. The State of Manipur, through the Principal Secretary/Commissioner (Com & Ind), Government of Manipur, New Secretariat Building, Imphal, Manipur, Pin 795001.
2. The Manipur Khadi & Villages Industries Board through the Chief Executive Officer, Lamphelpat, near ICM Office, Imphal, Manipur, Pin 795001.
3. The Chairman, Manipur Khadi and Village Industries Board, Lamphelpat, near ICM Office, Imphal West Manipur 795001.
4. The Commissioner/Secretary (Finance/PIC), Department of Finance, Govt of Manipur, New Secretariat Building, Imphal Manipur, Pin 795001. ... Respondents

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

For the Petitioner	::	Mr.Kh.Tarunkumar, Sr.Adv Ms.Maria, Advocate
For the Respondents	::	Ms.Ch.Sundari, G.A
Date of hearing	::	10.03.2025
Date of judgment/ Order	::	23.12.2025

JUDGMENT & ORDER (CAV)

[1] This Writ petition is filed by the petitioner praying for setting aside the impugned letter dated 06.11.2017 and the order dated 12.06.2018 with a further prayer to direct the respondent by directing them to allow the petitioner to enjoy the benefit of arrear pay salary and allowance including leave and gratuity under ROP 2010 w.e.f 1.04.2010 to 31.08.2012 which was fixed at rupees 8,81,454/- within a stipulate period.

[2] The deceased petitioner, a Government Employee, retired from the post of the Chief Executive Officer of the Manipur Khadi & Village Industries Board, Manipur in the month of August, 2012 on attaining the age superannuation. While he was in service, he was appointed to the post of Financial Advisor and Accounts Officer of the Board in the scale of pay of Rs.8000-13.5000/- p.m. vide order dated 06.02.2008 which was issued under sub Section (1) of Section 13 of the Manipur Khadi & Village Industries Board Act, 1966.

[3] It is the case of the petitioner that while he was serving as Financial Advisor and Chief Accounts Officer of the Manipur Khadi & Village Industries Board, the Principal Secretary (Commerce & Industries), Govt of Manipur issued an order on 09.03.2010 whereby he was appointed to the post of Chief Executive Officer in the scale of pay of Rs.10,000-15,000/- p.m., vice one Shri Th.Birgopal Singh, who

retired with immediate effect. The said order further stated that he would continue to look after all matters handled by the Financial Advisor and the Chief Accounts Officer in addition to his new work assignments.

[4] Further it is stated that while he had been serving as Chief Executive Officer of the Manipur Khadi & Village Industries Board, the Principal Secretary (Finance), Government of Manipur vide notification dated 5.5.2010 published the Manipur Services (Revised Pay) Rules, 2010. The said rules deemed to have come into force notionally on the 1st day of January 2006 with cash payment from 1st April 2010. As per the said Rules, the scales of pay of all categories of employees were classified into five categories such as 1S, PB-1, PB-2, PB-3 and PB-4 and scale of pay for the post of Chief Executive Officer i.e. scale of pay of Rs.10,000-15,200/- which was enjoyed by the petitioner was included under PB-3 and the scale of pay was revised at Rs.15,600-39,100/- and grade pay of Rs.6600/-.

[5] The Department of Finance, Govt of Manipur issued OM dated 7.7.2010 clarifying that Revision of Pay scales of the employees of the Autonomous Bodies/Local Bodies/ Grant-in-Aid Institutions/Public Sector undertaking etc shall be made only with the concurrence of Finance Department (PIC) subject to the availability of sufficient fund for the purpose. Later on Commissioner (Finance), Government of Manipur issued OM dated 28.2.2011, whereby references were made regarding grant of revised pay under the Manipur Services (Revised Pay) Rules, 2010 in respect of the employees of Autonomous Bodies/ Local Bodies/ Grant-in-aid Institution/ Public Sector undertakings. The CEO, Manipur Khadi & Village Industries Board, Lamphelpat vide letter 17.10.2011 requested the Director, Commerce & Industries, Government of Manipur pertaining to the adoption of ROP Rules, 2010 in respect of the employees of the Manipur Khadi & Village Industries Board. Further

the CEO, Manipur Khadi & Village Industries Board, Lamphelpat vide letter dated 9.11.2011 addressed to the Director (Commerce & Industries, Government of Manipur, intimated about the adoption of ROP, Rules 1999 by the Khadi & Village Industries Board with the date on which the same was adopted and requested to approve the proposal for adoption of 2010 ROP Rules.

[6] The Director, Commerce & Industries, Government of Manipur vide letter dated 18.11.2011 forwarded the letters dated 17.10.2011 and 9.11.2011 to the Principal Secretary (Com & Industries), Govt of Manipur for further necessary actions at the Government level. Thereafter, the Dy. Secretary, Commerce & Industries Department vide letter dated 14.8.2012 addressed to the Chief Executive Officer, Manipur Khadi & Village Industries Board intimated that proposal has been moved to FD (PIC) for necessary approval with the observation that grant of revised pay may involve an additional amount of Rs.5.62 lakhs p.m. approximately. In response to the above letter, the petitioner, while in service as Chief Executive Officer, vide letter dated 24.08.2012 addressed to the Principal Secretary (Com & Ind), Govt of Manipur stated that the Manipur Khadi & Village Industries Board is a statutory body and its establishment expenditure including pay and allowances of the employees are born by the State Government and the Board in its meeting held on 28.07.2012 under agenda item No.5 decided to adopt the revised scale of pay including admissible allowances of the State Government employees notionally w.e.f. 01.01.2006 with cash payment from 1.4.2010 with the approval of the Government.

[7] It is also the case of the petitioner that the Vice Chairman, Manipur Khadi & Village Board issued an order on 27.09.2013 whereby sanction was accorded to an expenditure not exceeding a sum of Rs.3,50,000/- only for payment of retirement gratuity to the petitioner who was allowed to retire from service. And

that as the respondents did not take up any positive steps to allow the petitioner to enjoy the benefits of Manipur Services (Revised Pay) Rules, 2010, he approached the Hon'ble Court by filing WP(C) No.916 of 2013 which was disposed of on 16.10.2014 by directing the respondents to take a decision on the letter dated 21.12.2013 of the CEO of the Manipur Khadi & Village Industries Board, Imphal within a three months from the date of communication of the said order. On 25.8.2017 the Deputy Secretary (TC & I) Government of Manipur informed the petitioner that his case for one-time payment of financial benefit has been considered and because of the financial condition of the State Government, his claim cannot be paid.

[8] In reply to the representation dated 26.08.2017, vide letter dated 06.11.2017 the Under Secretary (TC & I), Government of Manipur intimated the petitioner that as the petitioner was appointed as CEO (MKVIB) and retired on 31.08.2012 and ROP 2010 was implemented in MKVIBB w.e.f. 28.09.2016 his case for payment of arrear, pay and allowances under ROP 2010 cannot be considered.

[9] Further, on 12.6.2018 the Secretary (Finance/PIC), Govt of Manipur issued an order that the State Cabinet in its sitting held on 2.9.2016 approved to the grant of revised pay under MS (RP) Rules 2010 in respect of MKVIBB with immediate effect. It was further ordered that the letter dated 21.12.2013 of the then CEO (MKVIB) stands disposed of in compliance of the Hon'ble High Court's order dated 16.10.2014 passed in WP(C) No.916 of 2013. Hence, the present Writ petition praying for releasing the arrear pay and allowances including leave salary and gratuity under ROP 2010 w.e.f. 01.04.2010 to 31.08.2012.

[10] Respondent Nos.2 and 3 filed affidavit in opposition stating that the Manipur Services (Revised Pay) Rules, 2010 was issued vide Notification No.1/4/2008-FD (PIC) dated 05.05.2007 with notional effect on 01.01.2006 with actual cash payment from 01.04.2010.

However, in case of employees of Autonomous Bodies/ Local Bodies/ Grant-in Aid Institution/ Public Sector Undertakings shall be made only with the concurrence of Finance Department subject to availability of sufficient fund for the purpose.

[11] It is further stated that the petitioner, i.e., Shri N.Ibobi Singh, retired on 31.08.2012 and Manipur Services (Revised Pay) Rules, 2010 was implemented in Manipur Khadi and Village Industries Board with effect from 28.09.2016, hence the proposal for payment of arrear pay and allowance under ROP 2010 cannot be considered though representation is submitted to the Principal Secretary (Com & Ind), Government of Manipur. Further, it is stated that since the State Cabinet in its meeting held on 02.09.2016 decided to grant revised pay to the Manipur Khadi & Village Industries Board with prospective effect and no with retrospective effect, the proposal for payment of arrear pay and allowance cannot be entertained to the petitioner. It is also stated that as prescribed in Section 14(6) of the Act was 500-35-745-EB-40-45-1200-50-1350/- p.m. plus other allowance admissible to the employee of the Government of Manipur in similar scale. Accordingly, Shri N. Ibobi Singh (husband of the LR of the petitioner) was appointed as CEO MKVIB in the scale of Rs.10,000-15,000/- pm under ROP 1999 which was effective during that period.

[12] It is also stated that though the arrear pay and allowance was already prepared and has been fixed at Rs.8,81,454/- and the said amount of money is also not a huge amount the State Government cannot release the said amount as the State Cabinet decided to grant the revised pay to the MKVIB with immediate effect i.e. 28.09.2016 whereas the petitioner retired on 31.08.2012 before the day the revised ROP 2010 came into effect.

[13] The counsel of the petitioner submitted that in respect of other autonomous body Manipur Pollution Control Board, Loktak Development authority, Manipur Co-operative Union, the concerned

administrative departments have conveyed their approval without further delay. In respect of the Manipur Pollution Control Board, The Deputy Secretary (Forest & Environment), Government of Manipur conveyed the approval of the government for granting revised pay of ROP, 2010 to the employees Manipur Pollution Control Board on 16-12-2010.

[14] In respect of LDA, the special Secretary (Forest & Environment), Government of Manipur on 08-03-2011 have conveyed the approval of the Government to the grant of revised pay of ROP, 2010 to the employees of the LDA.

[15] In respect of Manipur State Co-operative Union, the under-secretary (Co-operation), Government of Manipur on 23-05-2011 conveyed the approval of the government to the grant of revised pay of ROP, 2010 to the employees of the Manipur State Co-operative Union.

[16] In respect of Manipur Khadi and Village Industrial Board, long after the retirement of the petitioner only on 28-09-2016, the under-secretary (C&I) Government of Manipur conveyed the approval of the government to the grant of revised pay under ROP, 2010, in respect of the employees of the Manipur Khadi and Village Industrial Board.

[17] The counsel of the petitioner also submitted that the CEO of Manipur Khadi and Village Industrial Board already requested the Director, Commerce and Industries, Government of Manipur for granting the revised pay Under ROP, 2010, was backed on 17-10-2011. There was a delay of about 5 years while granting the approval of the government for adoption of the benefit of revision of pay under ROP, 2010.

[18] The counsel of the petitioner further submitted that if the government acted on time, certainly he would have enjoyed the benefit of revision of pay under ROP, 2010, as the benefit has been

affected with case payment from 01-04-2010. At the relevant time, he was in service and he retired only on 31-08-2012. The authorities of the Manipur Khadi and Village Industrial Board have already calculated his due salary as rupees 8,81,454/- i.e. the due salary from the period 01-04-2010 to 31-08-2012.

[19] The delay caused while granting approval of the Government for giving the benefit of revision of pay under ROP, 2010 is a clear case of administrative lapses for which the petitioner shall not be made a victim.

[20] During the course of hearing, the Ld. Government Advocate has pointed out that the petitioner did not challenge the letter dated 28-09-2016 and in absence of challenging this letter, the relief sought in the Writ Petition shall not be permitted. In this regard the counsel of the petitioner submitted that a relief which is entitled to the petitioner shall not be denied only on the technical plea of non-mentioning or non-challenging in the relief clause of the Writ Petition.

[21] In the case of **Rupandhar Pujari v. Ganghadhar Bhatra :(2004) 7 SCC 654(relevant para 8)** has clearly held that relief to which a plaintiff or petitioner is entitled to, on the facts established, held, should not ordinarily be denied merely because the relief clause in the pleadings was not very happily worded.

[22] The petitioner has cited the following judgement:

- i. **Bangalore Development Authority -versus- Vijaya Leasing Ltd. & Ors** (2013) 14 SCC 737 (relevant para 13,14,17) held that under article 226 of the constitution of India, the Hon'ble Court can interfere and order even if the same is not challenged in the said Writ Petition.
- ii. **Bhartiya Seva Samaj Trust Through President & another - versus- Yogeshbhai Ambalal Patel & another** (2012) 9 SCC 310 (relevant para 28) held that if an party has committed a wrong, he cannot be permitted to take the benefit of his own wrong.
- iii. **State of Mizoram & anr. -versus- Mizoram Engineering Service Association & Anr.** (2004) 6 SCC 218 (relevant para 7) held that financial bundle on the state has not relevance when the claim for revised pay is found to be fully justified.

- iv. **State of Manipur & Ors. -versus- Maisnam Mani Singh & Ors.** 2010 (5) GLT 979 held that there cannot be any discrimination for granting the benefit of revised pay solely on the ground of financial crunch.
- v. **Coal India Ltd. & Ors -versus- Saroj Kumar Mishra** (2007) 9 SCC 625 (relevant para 19) held that only because there is a possibility of a floodgate litigation, a valuable right of citizen cannot be permitted to take away.

[23] The counsel of the respondent no.1 submitted that the Government of Manipur issued notification dated 05-05-2010, thereby making the rules viz. The Manipur Service (Revised), Rules, 2010, and the same was made applicable notionally from 1st January, 2006 and case payment from 1st April, 2010. Para 2(2)(b) specifically mentioned that these Rules shall not apply to person whose particulars are not figured in the Computerized Personal Information System (CPIS).

[24] Finance Department, Government of Manipur issued O.M. dated 07-07-2010 thereby clarifying that "revision of pay scales of the employees of the Autonomous Bodies/Local Bodies/Grant-in-Aid Institutions/Public Sector undertakings, etc. shall be made only with the concurrence of Finance Department (PIC) subject to availability of sufficient fund for that purpose. (Annexure-A/4 to the Writ Petition).

[25] The counsel of the respondent no.1 submitted that the CEO of the KVIB sent letter dated 09-011-2011 to the Director of (Commerce & Industries) to forward proposal to the Government for grant of ROP and the same was referred to the Government vide letter dated 18-11-2011 by the Director. But the said proposal was returned by Finance Department with observation as under:

"It is observed that the proposed grant of revised pay may involve as additional amount of rupees 5.62 lakh P.m. approximately. It is therefore, requested kindly to clarify how the additional liability shall be made". (Annexure – A/7, A/8 and A/9 to the Writ Petition).

[26] The respondent No.1 has cited the following judgement:

- i. **Chandrashekar A.K -versus- State of kerala & Ors.** (2009) 1 SCC 73 (relevant para 14) held that the policy decision

recommendation relating to revision of pay scale required its acceptance by the employer or the state which had ultimately to bear the financial burden- unless revised pay scale is formally implemented by the authority concerned, held, it does not automatically comes into force.

- ii. **Union of India -versus- Arun Jyoti Kundu & Ors.** (2007) 7 SCC 472 (relevant para 22) Grant of benefit by government from a particular date, employee concerned cannot clear benefit with retrospective effect.
- iii. **Krishna Priya Ganguly & Ors. -versus- University of Lucknow & Ors.** (1984) 1 SCC 307 (relevant para 26) Held that the relief should be confined to those prayer specifically made in the petition.
- iv. **State of Bihar & Ors -versus- Radha K. Jha & Ors.** (2002) 6 SCC 308 (relevant para 11) Relief not claimed-grant of-impermissibility.
- v. **State of Orissa & Ors -versus_ Mamata Mohanty** (2011) 3 SCC 436 [relevant para 55 and 65(xviii)] Relief not claimed-cannot be granted- Pleadings and particulars are required to enable the court to decide the rights of the parties in the trial. Thus, the pleadings are more to help the court in narrowing the controversy involved and to inform the parties concerned to the question in issue, so that the parties may adduce appropriate evidence on the said issue. It is a settled legal proposition that "as a rule relief not founded on the pleadings should not be granted". Therefore, a decision of a case cannot be based on grounds outside the pleadings of the parties.

[27] This Court considers the materials on record minutely, the submissions made by the learned counsel for the parties and the case laws cited at bar.

[28] It is the settled law that for the autonomous bodies like Khadi Board, the revision of new pay scale will not be automatically applicable upon the State Government issuing notification in this regard. For such bodies, the new pay revision has to be adopted by the competent authority/board and the same has to be forwarded to the State Government for final approval. In the present case, the Manipur Khadi & Village Industries Board, in its meeting held on 27.08.2011, had already adopted the RoP 2010 for its employees notionally wef 01.01.2006 with cash payment from 01.04.2010 in toto with the approval of the State Government. The said resolution was

forwarded by the Chief Executive Officer of the Board to the Director, Commerce & Industries, Government of Manipur to move the State Government for its approval. The Director, in turn, wrote a letter dated 18.11.2011 to the Principal Secretary (Com & Ind), Government of Manipur for doing needful. Deputy Secretary, Commerce & Industries vide letter dated 14.08.2012 informed the CEO to submit clarification about financial implication to the tune of Rs.5.62 lakh per month for adoption of RoP 2010. Vide letter dated 24.08.2012, the CEO of the Board submitted the clarification stating that since its inception, the additional expenditures including pay and allowance were born by the State Government. It may be noted that the forwarding of the adoption of RoP 2010 by the Board was in tune with the Office Memorandum dated 28.02.2011 requiring the autonomous bodies/ local bodies/PSUs to adopt the new revision of pay for their employees. Vide the impugned letter/order dated 28.09.2016 issued by the Under Secretary (C&I), Government of Manipur, the approval for revised pay under RoP 2010 was granted with 'immediate effect'. By this time, the petitioner retired from service on attaining the age of superannuation on 31.08.2012. Due to the delay in granting adoption of RoP 2010 as late as 28.09.2016 with immediate effect, the petitioner was left out of the benefit of high pay and allowance. It is an admitted fact that approval of RoP 2010 to Manipur Pollution Control Board was granted on 16.12.2020 notionally wef 01.01.2006 with cash payment from 01.04.2010. For Loktak Development Authority by order dated 08.03.2011, RoP 2010 was approved notionally wef 01.01.2006 with cash payment from 01.04.2010. Similarly, for the Co-operative Societies, Manipur, the approval for RoP 2010 was obtained on 23.05.2011 notionally wef 01.01.2006 with cash payment from 01.04.2010. In case of KV&IB, the approval was granted only on 28.09.2016 that too with immediate effect, while similar bodies were given retrospective effect notionally wef 01.01.2006 with cash

payment from 01.04.2010. A departure was made only for Khadi Board that too without any valid reason. It is seen that all the clarifications were submitted by the Board to the State Government in time, but delay in approval has not been explained. In the circumstances, the petitioner has been denied the benefit of higher pay and allowance under RoP 2010 thereby causing heavy financial loss to the tune of Rs. 8,81,454/- [as admitted in letter dated 25.04.2016 of the Board to Commissioner (Com & Ind): Annexure-A-20]. In order dated 18.12.2024, this Court directed MKV&IB to explain the arrears of Rs.8,81,454 and vide letter dated 04.02.2025, the Board explained that the arrear shown in letter dated 25.04.2016 was just a proposal of the arrear upon implementation of the RoP 2010 and the petitioner was not entitled to the same.

[29] This Court is of the view that Board has been treated differently from other similarly situated bodies such as Pollution Board, Lokatak Development Board and no justification is given for this different treatment. Even if it is assumed that the sum of Rs.8,81,454/- is an estimated arrear to be paid to the petitioner as per RoP 2010, there is no reason to deny the same to the petitioner. Keeping in view of the fear of floodgate of claims from other employees of the Board as expressed by learned GA, this Court directs the respondent to pay the arrear of Rs.8,81,454/- to the petitioner through his LR treating the date of adoption of RoP 2010 for Manipur State Khadi & Village Industries Board notionally wef 01.01.2006 with cash payment from 01.04.2010 for the petitioner only. It is clarified that this direction will not be applicable to other employees of the Board who did not approach this Court in time. This direction is issued in peculiar facts of the present case and shall not be a precedent. This Court is refrained from imposing cost. However, the payment should be credited to the family pension of the petitioner, now enjoyed by his wife within a period of three months from the date of receipt of this order. No cost.

[30] Send a copy of this order to the Chairman, Manipur Khadi
& Village Industries Board for information and necessary compliance.

JUDGE

Priyojit

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SINGH

Digitally signed
by RAJKUMAR
PRIYOJIT SINGH
Date: 2025.12.23
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