

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

WP(C) No. 619 of 2016

H.A. Maphok

Petitioner

Vs.

The Senior Deputy Accountant General

Respondent

**BEFORE
HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH**

29.05.2025

[1] Heard Mr. N. Umakanta, learned Sr. counsel assisted by Mr. Lalleiba, learned counsel appearing for the petitioner; Mr. S. Suresh, learned counsel appearing for the respondent No. 1; and Mr. Th. Vashum, learned GA appearing for respondent nos. 2, 3 & 4.

[2] The present petition has been filed with a prayer for quashing the action taken by the office of the Senior Deputy Accountant General (A&E), Manipur reducing the pay scale of the petitioner in his pension payment order. According to the petitioner, the petitioner enjoyed the senior scale of pay of Rs. 5500-9000/- as reflected in his retirement order dated 03.09.2008, however, in his pension payment order issued by the Senior Deputy Accountant General (A&E), Manipur his pay scale has been reduced to Rs. 4500-7000/-. Having being aggrieved, the petitioners' approach this Court by filing the present petition for redressing his grievances.

[3] The simple case of the petitioner is that the petitioner entered service as a Primary Teachers w.e.f 11.11.1966 and after rendering for more than 15 years of regular service, and as provided under the relevant

rules, the petitioner was allowed to enjoy the senior scale of pay on the recommendation made by the screening committee vide order dated 25.05.1998 issued by the office of the Zonal Education Officer, Ukhrul w.e.f 01.01.1986. Under the said order, the senior scale of pay enjoyed by the petitioner is shown as Rs. 1640-2900/-, however, by virtue of the Manipur Services (Revised Pay) (1st amendment) Rules, 1999 the earlier pay scale of senior scale of Rs. 1640-2900/- has been enhanced to Rs. 5500-9000/-. Consequently, at the time of issuance of the order dated 03.09.2008 by the Director of Education (Schools), Govt. of Manipur, retiring the service of the petitioner along with others, the pay scale received by the petitioner was correctly shown as Rs. 5500-9000/-.

[4] After his retirement from service and at the time of preparation and issuance of the pension payment order in respect of the petitioner by the Senior Deputy Accountant General (A&E), Manipur, the pay scale of the petitioner has been wrongly shown as Rs. 4500-7000/-. According to the petitioner his pay scale shown in the said pension payment order amounts to reduction of pay enjoyed by the petitioner and the same is illegal and without any authority of law.

[5] Ld. Sr. counsel appearing for the petitioner submitted that such decision of the Senior Deputy Accountant General (A&E), Manipur may be quashed and set aside and to issue a direction to correct the error in reflecting or showing the pay scale enjoyed by the petitioner in his pension payment order.

[6] Mr. S. Suresh, learned counsel appearing for the respondent no. 1 submitted that certain queries with regard to the pay scale enjoyed by the petitioner as Head Master of the Primary School has been sought for from the concern authorities of the government. While waiting for any clarification from the government and in order to mitigate any hardship faced by the petitioner due to non-payment of his pension, the respondent

no. 1 has shown the reduced pay scale of the petitioner in order to release his pension payment order.

[7] The learned counsel further submitted that in the event of receiving any clarification from the Government, if there is any error or mistake in showing the pay scale of the petitioner in his pension payment order, the same can be rectified by the office of the respondent no.1. The learned counsel also submitted that if the payment of pension of the petitioner or other retiral benefit is withheld by the office of the Accountant General while awaiting clarification from the government, it will cause undue hardship to the petitioner and as such the respondent no. 1 has to take the decision to give pension of the petitioner in reduced scale of pay.

[8] The learned counsel further submitted as on today the authorities of the State Govt. have not furnish any clarification with regard to the queries made by the office of the respondent no.1 and that as and when such clarification is received from the authorities of the State government, the respondent no. 1 will rectify any mistake in showing the pay scale of the petitioner in his pension payment order. The learned counsel lastly submitted that as no clarification has yet been received from the State government, no interference from this court is called for.

[9] On the other hand Mr. Th. Vashum, learned G.A appearing for the State Government submitted that on the part of the State Govt., all the relevant pension papers of the petitioner for payment of his pension have been forwarded to the office of the respondent no. 1 and final decision is to be taken by the respondent no. 1.

[10] I have heard the submission advanced by the learned counsel appearing for the parties and also carefully examined all the materials available on the records. On examination of the record, the queries as sought for by the respondent no. 1 from the State Govt. are as under:

"No. Pen/1-648/S/UKL/2009/

Dated Nov, 2009

To,
The Joint Secretary (Pension Cell)
Government of Manipur.

Subject:- Pension case in respect of Shri H. A. Maphok, retd. Primary Head Master of Pushing Junior High School, Ukhrul, Manipur.

Sir.

I am to invites a reference to the Government of Manipur, Department of Personnel (Pension Cell)'s letter No. 8/3/2007-PC(Edn-S)(UKL) dated 20-03-2009 on the subject cited above and to state that the pension case of Shri H. A. Maphok, retd. Primary Head Master has been settled at this stage on the basis of lower substantive pay on the following grounds:-

1. As recorded at P/9 of Service Book-1, Shri H. A. Maphok was declared as Head Master of Ningthi JB School with effect from 03-09-1982 vide Director of Education(S), order No. 46/43/88-ED(V)(ii) dated 08-02-1991 (copy enclosed). The order was issued with retrospective effect without Finance concurrence. In terms of Finance Department O.M. No. 18/5/2005-FD(PIC) dated 10-10-2005 such order should be treated null and void. Therefore, his pension is finalized on the basis of lower substantive pay which may be revised on receipt of order for granting Head Master's scale with concurrence of finance.

I am, therefore, to request you kindly to furnish the clarifications/ wanting document at the earliest.

Yours faithfully.

Sr. Accounts Officer/Pension"

[11] It is an admitted position of fact that the petitioner had been allowed to enjoy the senior scale of pay w.e.f 01.01.1986 by issuing an order dated 25.05.1998 in terms of the relevant rules and nobody has pointed out any illegality in issuance of that order. It is also not the case of the respondents that the petitioner is not at all entitled to enjoy the senior scale of pay.

[12] It is also an admitted position of fact that by virtue of the Manipur Services (Revised Pay) (1st amendment) Rules, 1999, the petitioner has been allowed to enjoy the senior scale of pay amounting to Rs. 5500-9000/- and the same is clearly reflected in the order dated 03.09.2008 issued by the Director of Education (Schools), Govt. of Manipur allowing the petitioner to retire from service on attaining the age of superannuation.

[13] In my considered view, the queries sought for by the respondent no. 1 from the authorities of the State government has no nexus with the payment of senior scale of pay to the petitioner. In such view of the matter, without questioning or pointing out any illegality in allowing the petitioner to enjoy the senior scale of pay, the act of the respondent no. 1 in reducing the pay scale of the petitioner to a lower scale of pay, as reflected in his pension payment order, is illegal and without any authority of law. Accordingly, the decision taken by the respondent no. 1 with regard to the pay scale of the petitioner in his pension payment order is hereby quashed and set aside. The respondent no. 1 is further directed to correctly show the senior scale of pay received by the petitioner at the time of his retirement in his pension payment order. It is made clear that such correction should be done with retrospective effect within 45 days from today and the petitioner will be entitled to all consequential benefits.

[14] With the aforesaid direction, the present writ petition is disposed of.

JUDGE

Lucy

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