

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

WP(C) No. 627 of 2024

Lairikyengbam Tomba Singh

...***Petitioner/s***

Vrs.

State of Manipur & 3 ors.

...***Respondent/s***

-B E F O R E-

HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH

01.10.2025

[1] Heard Ms. L. Sillori, learned counsel appearing for the petitioner; Mr. Shyam Sharma, learned GA appearing for the respondent nos. 1, 2 & 3; and Mr. S. Jasobanta, learned counsel appearing for the respondent no. 4.

[2] The present petition has been filed with a prayer for directing the respondents to grant family pension to the petitioner on the death of his wife (viz.), (late) M. Mani Devi, Ex-Female Chief Head Warder of Manipur Central Jail on 31.05.2017.

[3] The case of the petitioner is that he got married to his wife (late) M. Mani Devi on 02.03.1971 by performing a marriage ceremony as per the Hindu religious rites and customs prevailing amongst the Manipur Hindu society in the state of Manipur. During the life time of the petitioners' wife, she was an employee of the Manipur Government and she retired as Female Chief Head Warder of Manipur Central Jail,

Imphal with effect from 25.04.2006 on attaining the age of superannuation. After her retirement, the wife of the petitioner was enjoying pension till she expired on 31.05.2017.

[4] Upon expiry of his wife, the petitioner submitted an application to the Superintendent, Manipur Central Jail, Manipur on 26.11.2018 along with supporting documents for payment of family pension. Thereafter, the applications along with the supporting documents were forwarded by the office of the Superintendent, Manipur Central Jail, Sajiwa to the concern authorities of the State Government for doing the needful. However, on some enquiry being made from the office of the Accountant General as well as from the Secretariat Department of Personnel (Pension cell), Government of Manipur, the process for payment of family pension in favour of the petitioner was stalled and remain stagnant. Hence, the present petition.

[5] Ms. L. Sillori, learned counsel appearing for the petitioner submitted that the petitioner is the lawful husband of the deceased Government employee and the office of the Sub-Deputy Collector, Imphal West (Central), Manipur after holding a field enquiry has submitted a report under a letter dated 02.03.2020 to the Sub-Divisional Officer, Lamphel, Imphal West stating that the petitioner is

the lawful husband of the deceased Government employee viz., Smt. M. Mani Devi, Ex-Female Chief Head Warder of Manipur Central Jail. Thereafter, through proper channel, the said report has been forwarded to the concern authorities of the Government.

[6] It has been submitted by the learned counsel that even after receiving such report from the competent authorities of the Government to the effect that the petitioner is the lawful husband of the aforesaid deceased government employee, the Secretariat Home Department, Government of Manipur wrote a letter dated 30.12.2020 to the petitioner requesting the petitioner to produce a Judgment and Decree of a competent Court that he is the widower of Late M. Mani Devi.

[7] The learned counsel submitted that pursuant to the said letter, the petitioner has already approach the Family Court at Lamphelpat by filing a Matrimonial (Declaration) Suit No. 37 of 2021 and the said suit was allowed by the Id. Family Court by a Judgment dated 14.02.2022 by declaring that the petitioner is the husband/widower of the late Mayanglambam Mani Devi of Sagolband Sayang Pukhri Mapal, Imphal West, Manipur.

[8] It has been submitted by the learned counsel that even after submission of such judgment and decree passed by the

competent Family Court and the report submitted by the competent authorities of the Government to the effect that the petitioner is the lawful husband of the deceased Government employee, the authorities are not finalizing for payment of family pension in favour of the petitioner. The learned counsel accordingly prays for directing the authorities to expedite the process for finalization for payment of family pension in favour of the petitioner within a stipulated period.

[9] I have perused the counter affidavit filed on behalf of the respondent nos. 2 & 3 and on careful perusal of the averments made therein, this Court did not find any statement denying or disputing the fact that the petitioner is the lawful husband of the said deceased Government employee.

[10] On behalf of the office of the Accountant General, Manipur, it has been submitted that because of non-furnishing of necessary documents by the concern authorities of the State Government and until and unless the necessary documents are received from the State Government, the office of the Accountant General, Manipur is not in a position to process for finalization of family pension payment order in favour of the petitioner.

[11] I have heard at length the submission advanced by the counsel appearing for the parties and also carefully examined the

materials available on records. In the present case there is no dispute with regard to the fact that the petitioner is the lawful husband of the deceased Government employee, viz., (late) M. Mani Devi, who was a pensioner under the State Government and who expired on 31.05.2017. To support the claim that the petitioner is the lawful husband of the said deceased Government employee, the competent authorities of the State Government has already submitted a report after holding a thorough enquiry and the Id. Family Court, Manipur has also passed a Judgment & Decree in favour of the petitioner to the effect that he is the lawful husband of the said deceased Government employee.

[12] Under Rule 50(8)(a) of the Pension Rules, 2021, it is, inter alia, provided that if a deceased Government servant or the pensioner is survived by a widow or widower, Family Pension at the rate specified in sub-rule (2) shall be payable to such widow or widower, up to the date of death or re-marriage, which ever is earlier and the eligibility of the widow or widower for Family Pension shall not be affected by the amount of her or his income from other sources.

[13] As there is no dispute with regard to the fact that the petitioner is the lawful husband of the aforesaid deceased Government employee/Pensioner and as the respondents has not raised any

objection in this regard, this Court did not see any reasons why the petitioner should not be entitled to avail Family Pension as provided under Rule 50(8)(a) of the Pension Rules. Accordingly, the respondents are hereby directed to expedite the process for payment of Family Pension to the petitioner as early as possible but not later than 2(two) months from today.

[14] It is made clear that as the authorities have un-reasonably withhold payment of the Family Pension to the petitioner for a long time without any valid reason, the total amount of pension due payable to the petitioner, from the date it is due payable till actual payment, will carry an interest of 9% per annum from the date the same is due payable to him, if in case the respondents fail to release the Family Pension within the time stipulated herein above.

[15] With the aforesaid directions, the present writ is disposed of.

JUDGE

Lucy