

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

**WP(C) No. 717 of 2024**

Maharambam Pheijao Singh.

***...Petitioner***

**- Versus -**

State of Manipur & Anr.

***...Respondents***

**B E F O R E  
HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA**

**ORDER**

**07-11-2025**

[1] Heard Mr. A. Romenkumar, learned senior counsel assisted by Mr. R.K. Banna, learned counsel on behalf of the petitioner and Mrs. Ch. Sundari, learned Government Advocate on behalf of the State respondents.

[2] The writ petitioner whose suspension order and memo of charge had been quashed by this Court by two different orders and having reinstated and retired on superannuation was denied pensionary benefits vide order dated 19-09-2024 issued by the Deputy Secretary (TA&H) Government of Manipur on the ground of pendency of an FIR No. 348(12)2022 IPS u/s 409/420/34 IPC and 13(1)(c)/13(2) of Prevention of Corruption Act. The petitioner challenged the order dated 19-09-2024 with respect to the denial of pensionary benefits due to pendency of an FIR as the same is in contradiction of Rule 9 of the CCS (Pension) Rules, 1972. The short question before this Court is whether the pensionary benefits of a

retired government employee be withheld only on the ground of pendency of an FIR case against him.

**[3]** The brief fact, in short, is that the petitioner, Mr. Maharambam Pheijao Singh, while he was working as Deputy Director (TA&H), Government of Manipur, had been accused of embezzlement of certain amounts. The House Committee (Manipur Legislative Assembly), in its report, came to the finding that the petitioner was involved in excess withdrawal of money on three heads:—

- i) Excess payment of Rs. 4,49,714/- only for construction of MI Dams at different places of the Hill Districts of Manipur.
- ii) Excess payment of Rs. 2,20,809/- only for Implementation of different Infrastructure Works in the Hill Districts of Manipur.
- iii) Excess payment of Rs. 67,63,394/- (double payment to the same agency) for Construction of Cultural Cum Community Hall at Khoupum, Tamenglong District.

**[4]** The House Committee recommended constitution of a Special Investigation Team (SIT) against the petitioner and others and upon the recommendation of the same, the above mentioned FIR No. 348(12)2022 IPS u/s 409/420/34 IPC & 13(1)(c)/13(2) PC Act was registered against the petitioner and others. Due to indictment of the petitioner, he was kept under suspension and the memo of charge was issued against him. However, vide judgment and order dated 15-11-2021 passed by this Court in WP(C) No. 688 of 2021 and WP(C) No. 379 of 2021, the suspension order was set aside and the petitioner was reinstated in service with all consequential benefits and vide another common judgment and order dated 12-09-2023 in WP(C)

No. 37 of 2022 and WP(C) No. 913 of 2021, this Court set aside the memorandum of article of charges and the whole enquiry proceedings against the petitioner. Upon quashment of the memorandum of article of charges against the petitioner vide order 12-09-2023, the Addl. Chief Secretary (TA&H), Government of Manipur issued an order dated 29-04-2024 dropping all the proceedings against the petitioner. The petitioner also joined the service vide joining report dated 02-05-2022 and he was serving till the issuance of the impugned order dated 19-09-2024 retiring him on superannuation without pensionary benefits due to pendency of an FIR No. 348(12)2022 IPS u/s 409/420/34 IPC & 13(1)(c)/13(2) of Prevention of Corruption Act.

**[5]** Mr. A. Romenkumar, learned senior counsel for the petitioner, draws the attention of this Court to the provisions of Rule 9 of CCS (Pension) Rules, 1972 specially Sub-Rule (1) which stipulates that the President may withhold a pension or gratuity or both of a retired government employee if the employee is found guilty in any departmental or judicial proceedings. It is pointed out that the departmental proceedings against the petitioner have been quashed by this Court in favour of the petitioner and the same has been complied by issuing an order dated 29-04-2024 closing the departmental proceedings against the petitioner. The FIR No. 348(12)2022 IPS u/s 409/420/34 IPC & 13(1)(c)/13(2) PC Act is still pending and there is no substantial progress in the investigation and the charge sheet is yet to be submitted before the competent court. Mr. A. Romenkumar, learned senior counsel for the petitioner, submits that the pendency of an FIR is not a ground mentioned in Rule 9 Sub-Rule 1 of the CCS (Pension) Rules so as

to enable the State to withhold the pension of a retired employee. It is submitted that para 3 of the impugned order dated 19-09-2024 be set aside and the State respondents be directed to release the pensionary benefits to the petitioner.

[6] On the other hand, Mrs. Ch. Sundari, learned Government Advocate for the State respondents submits that, as seen from the enquiry report of the House Committee constituted by the Manipur Legislative Assembly, the petitioner has been charged on three counts of misappropriation of money, as pointed out above and the House Committee has recommended the constitution of SIT and on the recommendation of House Committee, an FIR has been registered and a criminal case is pending against the petitioner. In the circumstances, the State Government issued an impugned order dated 19-09-2024 withholding the pension of the petitioner. Till now, the petitioner has not been absolved of the criminal case even though departmental proceedings were quashed by this Hon'ble Court. It is submitted that the impugned order dated 19-09-2024 does not suffer from any infirmity and the writ petition may be dismissed.

[7] This Court has perused the material on record and considered the submissions made at the Bar and the relevant provisions of law. In order to appreciate the issues at hand, it will be appropriate to reproduce Rule 9 Sub-Rule 1 of the CCS (Pension) Rules, 1972. It reads as under:—

**“9. Right of President to withhold or withdraw pension**

*<sup>1</sup>[(1) The President reserves to himself the right of withholding a pension or gratuity, or both, either in full or in part, or withdrawing a pension in full or in part, whether permanently or*

*for a specified period, and of ordering recovery from a pension or gratuity of the whole or part of any pecuniary loss caused to the Government, if, in any departmental or judicial proceedings, the pensioner is found guilty of grave misconduct or negligence during the period of service, including service rendered upon re-employment after retirement:*

*Provided that the Union Public Service Commission shall be consulted before any final orders are passed:*

*Provided further that where a part of pension is withheld or withdrawn, the amount of such pensions shall not be reduced below the amount of <sup>2</sup>(Rupees Three hundred five hundred) per mensem.]”*

[8] On perusal of Sub-Rule 1 of Rule 9 of the CCS (Pension) Rules, the President of India has a right to withhold a pension or gratuity or both either in full or in part of a retired government employee if such employee is found guilty in any departmental or judicial proceedings. Admittedly, in the present case, the departmental proceedings have been quashed by this Court and as such there is no departmental proceeding against the petitioner. It is an admitted fact that FIR No. 348(12)2022 IPS u/s 409/420/34 IPC & 13(1)(c)/13(2) PC Act is pending against the petitioner and others and the charge sheet is yet to be submitted. However, on perusal of Sub-Rule 1 of Rule 9 of the CCS (Pension) Rules, it is seen that the only condition that an authority can withhold the pension or gratuity of a retired government employee is if such employee is found guilty either in the departmental proceeding or judicial proceeding. Admittedly, there is no departmental proceeding against the petitioner and the criminal proceeding is pending against the petitioner in the form of an FIR. No competent criminal

court has convicted the petitioner till date. In the circumstances, para 3 of the impugned order dated 19-09-2024 denying the pensionary benefits of the petitioner is not within the stipulation of Rule 9 of CCS (Pension) Rules.

[9] Mr. A. Romenkumar, learned senior counsel for the petitioner refers to an order dated 16-08-2024 passed by a Division Bench of this Court in WA No. 88 of 2023 titled **State of Manipur & 2 Ors vs. Kunjakishore Golmei & Anr** wherein it was held in paras 3 & 4 that Rule 9 of CCS (Pension) Rules will be applicable only in a concluded disciplinary/ judicial proceedings, if the retired government employee is found guilty. Relevant portion of the order dated 16-08-2024 is reproduced hereunder:—

*“[3] The short question that has arisen for consideration in the present writ appeal is whether gratuity, pension and other retiral benefits payable to a retired employee can be withheld without even initiating disciplinary proceedings, or on the mere filing of a First Information Report without following it up with a charge-sheet; in terms of Rule 9 of the Central Civil Services (Pension) Rules, 1972.*

*[4] In so far as the above question of law is concerned, the same is no longer res Integra. The judgment dated 29-03-2022 passed by the Division Bench of this Court in WA No. 17 of 2020, **State of Manipur & Ors vs. Ranjana Manohermayum & Anr** and in particular, paragraph 22 clearly and unequivocally held that “As per Rule 9, which is applicable presently, it is only after the conclusion of disciplinary/judicial proceedings and the rendering of a finding of guilt therein against a Government servant that the question of withholding his/her gratuity and pension would arise.””*

[10] This Court is of the view that mere pendency of an FIR will not be within the stipulation of Rule 9 Sub-Rule 1 of the CCS (Pension) Rules so

as to deny the pensionary benefits of a retired government employee. In the circumstances, para 3 of the impugned order dated 19-09-2024 issued by the Department of Tribal Affairs & Hills, Government of Manipur denying the pensionary benefits to the petitioner on the basis of pendency of an FIR No. 348(12)2022 IPS u/s 409/420/34 IPC & 13(1)(c)/13(2) of PC Act is set aside and the State respondents are directed to release the pensionary benefits to the petitioner, if he is entitled to the same as per law.

**[11]** Before parting, this Court clarifies that no opinion is expressed on the pending criminal case against the petitioner and the investigation of the FIR and any proceeding pending before the competent court shall not be prejudiced by any observation made by this Court. The observation made herein is only for the purpose of considering pensionary benefits under Rule 9 of the CCS (Pension) Rules.

**[12]** With this observation, the writ petition is allowed. No cost.

**JUDGE**

*Victoria*

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