

IN THE HIGH COURT OF MANIPUR
AT IMPHAL

WP(C) No. 355 of 2020

Smt. Loukrakpam (O) Purnima Devi

... *Petitioner*

Vs.

State of Manipur & ors.

... *Respondents*

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

JUDGMENT & ORDER
(Oral)

15-01-2026

[1] Heard Mr. Ch. Robinchandra, learned counsel appearing for the petitioner; Mr. Th. Vashum, learned GA appearing for the respondents No. 1 to 5 and Mr. MK Ajir, learned counsel representing Mr. L. Gunindro, learned counsel appearing for the respondent No. 6.

[2] The petitioner is the wife of Late Shri L. Ibopishak Singh, who was working as a regular Work-Charged Chowkidar in the Electricity Department during his lifetime.

[3] The present writ petition has been filed assailing the order dated 22-01-2020 issued by the Secretariat: Power Department by which the claim made by the petitioner for grant of family pension under the Terminal Benefits for Work-Charged Staffs of PWD/ IFCD/ PHED/ MI and Electricity Rules, 1978 (hereinafter referred to as "**Terminal Benefits Rules**, for short") had been rejected. The petitioner has also prayed for issuing appropriate directions to the respondents to pay family

pension in respect of her deceased husband under the said Terminal Benefits Rules.

[4] The case of the petitioner is that her husband initially entered as Casual/ Muster Roll employee in the Electricity Department, Government of Manipur, in the year 1979-1980 along with other incumbents. After her husband had completed more than 10 (ten) years of service as a Casual/ Muster Roll employee, he along with other Casual/ Muster Roll employees of the Electricity Department, Government of Manipur, jointly filed a writ petition before the Hon'ble Supreme Court of India, which was registered as WP(C) No. 56 of 1990 **“Smt. K. Leima Devi & 194 ors. Vs. State of Manipur & 2 ors.”** praying for regularising their Casual / Muster Roll service. The said writ petition was allowed by the Hon'ble Supreme Court of India by an order dated 06-08-1990 by issuing the following directions:-

“The respondents are directed to absorb the petitioners in regular service in their respective posts according to rules by granting them exemption of age limit, if required, whenever vacancies arise provided the petitioners satisfy the requisite qualifications. Further we direct the respondents to pay the salaries and allowances etc. equal to that of regular employees doing similar work from the date of their absorption in their regular service.”

[5] Pursuant to the directions given by the Hon'ble Supreme Court in its order dated 06-08-1990 in WP(C) No. 56 of 1990, the Chief Engineer (Power), Government of Manipur, issued an Office Order No. 561 dated 19-10-1991 ordering the conversion of 195 Muster Roll

workers, including the husband of the present petitioner, into Work-Charge establishment w.e.f. 19-10-1991. In the said order, it was also mentioned that the name of post and scale of pay into the Work-Charged Establishment to which the Muster Roll employees converted shall be issued separately. In the Annexure – I of the said order, the name of the husband of the petitioner appeared at Sl. No. 56.

[6] Subsequently, the Chief Engineer (Power), Government of Manipur, issued another Office Order No. 620 dated 07-11-1991 converting the service of 189 Muster Roll workers of Electricity Department, Manipur into Work-Charged establishment w.e.f. 23-10-1991 to the post and scale of pay mentioned against their names in the Annexure – A enclosed to the said order. In the said Annexure – A, the name of the husband of the present petitioner is at Sl. No. 12 (Chowkidar). Later on, on 26-08-1997, the Chief Engineer (Power), Government of Manipur, issued a Corrigendum for replacing the words as “**absorbed into regular workcharged**” in place of the words “**converted into workcharged**” appearing in the 5th line of the earlier Office Order No. 620 dated 07-11-1991. It is also mentioned in the said Corrigendum that the said Corrigendum was issued in compliance of the Supreme Court’s order dated 06-08-1990 passed in WP(C) No. 56 of 1990. For easy reference, the scanned copy of the said Corrigendum is reproduced hereunder:-

GOVERNMENT OF MANIPUR
OFFICE OF THE CHIEF ENGINEER (POWER)
ELECTRICITY DEPARTMENT

CORRIGENDUM
Imphal, the 26th August, 1997.

No. 1/1(35)/91-CE(P): Please read the words as "absorbed into regular workcharged" in place of the words "converted into workcharged" appearing in 5th line of this Office Order No. 620 dt. 7-11-91.

This is in compliance of Supreme Court order dt. 6.8.90 in the writ petition (Civil) No. 56 of 1990 conveyed vide Govt.'s letter No. 20/1/90-Power dt. 8.8.97.

(G. B. SHARMA) 26/8/97
Chief Engineer (Power).

Endt. No. 1/1(35)/91-CE(P) / 26/8/97 Imphal, the 26th Aug/97.
Copy to :-

1. The Principal Secretary (Power), Govt. of Manipur for favour of information.
2. The Accountant General, Manipur.
3. The Addl. Chief Engineer (Power), Electricity Deptt., Manipur.
4. All Superintending Engineers, Electricity Department, Manipur.
5. All Executive Engineers, Electricity Deptt., Manipur. They are instructed to enter in the Service Books of the persons concerned.
6. The Financial Advisor (Power), Electricity Department, Manipur.
7. The Labour Welfare Officer, Electricity Deptt., Manipur.
8. OFFICE ORDER BOOK.
10. File concerned.
11. Person Concerned.

(G. B. SHARMA) 26/8/97
Chief Engineer (Power).

[7] It is the case of the petitioner that the husband of the petitioner served as regular Work-Charged employee in the Electricity Department, Manipur, w.e.f. 23-10-1991 till 22-04-2000 on which date, the husband of the petitioner expired while he was still in service. After expiry of the petitioner's husband on 22-04-2000, the Office of the Chief

Engineer (Power) issued an Office Order No. 112 dated 22-05-2000 terminating the service of the petitioner's husband w.e.f. 22-04-2000.

[8] After expiry of the petitioner's husband, the petitioner earlier approached this court by filing a writ petition registered as WP(C) No. 650 of 2009 praying for directing the respondents to grant to her the family pension due payable to her upon the demise of her husband as provided under the said Terminal Benefits Rules. The said writ petition was disposed of by this court by an order dated 29-10-2018 by directing the respondents to consider the claim of the petitioner and to pass a speaking order within a period of eight weeks from the date of receipt of a copy of the said order. In purported compliance of the direction earlier given by this court, the Secretariat: Power Department issued an order dated 22-01-2020 thereby rejecting the claim of the petitioner only on the ground that the Work-Charged service rendered by the petitioner husband was not confirmed and as such, the petitioner is not entitled to avail family pension as provided under the Terminal Benefits Rules. Hence, the present writ petition.

[9] The respondents No. 1 to 3, i.e., the Principal Secretary/ Commissioner (Power), Government of Manipur, the Managing Director, Manipur State Power Company Limited and the Administrative Officer, Electricity Department, Government of Manipur filed a joint affidavit-in-opposition and the respondent No. 6, i.e., the Principal Accountant General, Manipur, also filed a separate affidavit-in-opposition. The stand

taken by the respondents No. 1 to 3 and 6 are common. It is their stand that as the petitioner's husband never rendered service as confirmed/ permanent Work-Charged employee in the Electricity Department, neither the petitioner nor her husband was entitled to avail pension/ family pension as provided under the Terminal Benefits Rules. It has also been averred that the authorities have duly considered the claim made by the petitioner and as her husband never rendered service as permanent/ confirmed Work-Charged employee, the petitioner is not entitled to get family pension as provided under the Terminal Benefits Rules.

[10] I have heard the rival submissions advanced by the learned counsel appearing for the parties at length and also carefully considered all the materials available on record. On close scrutiny of the order dated 22-01-2020 impugned in the present writ petition as well as the averments made by the respondents in their respective affidavit-in-opposition, it is crystal clear that the only ground taken by the respondents in rejecting the claim of the petitioner for availing family pension is only on the ground that her husband never rendered service as a confirmed/ permanent Work-Charged employee and as such, neither the petitioner nor her husband is entitled to avail family pension/ pension as provided under the Terminal Benefits Rules. It is also the stand of the respondents that as the petitioner's husband rendered service for a period of only 9 (nine) years 3 (three) months and 14 (fourteen) days, which is short of 10 (ten) years required for confirmation,

the Work-Charged service of the deceased husband of the petitioner was never confirmed.

[11] At paras. 2 to 5 of the writ petition, the petitioner has made specific averments that the husband of the petitioner initially entered service as a Casual/ Muster Roll employee in the Electricity Department, Government of Manipur, in the year 1979-1980 and that after rendering for more than 10 years of service as a Muster Roll/ Casual employee, the husband of the petitioner along with other Muster Roll/ Casual workers approached the Hon'ble Supreme Court by filing a writ petition and the said writ petition was allowed by the Hon'ble Supreme Court by issuing certain directions to the respondents to absorb the petitioners in regular service in their respective posts. It has also been clearly averred by the petitioner that pursuant to the order passed by the Hon'ble Supreme Court, the Chief Engineer (Power), Manipur, after obtaining approval from the Government of Manipur, issued orders absorbing the services of 195 Muster Roll workers, including the husband of the petitioner into Work-Charged establishment w.e.f. 19-10-1991. Subsequently, another order dated 07-11-1991 was issued by the Chief Engineer (Power), Manipur, after obtaining approval of the Government, thereby converting the service of 189 Muster Roll workers of Electricity Department, Manipur, including the husband of the petitioner into Work-Charged establishment w.e.f. 23-10-1991 against the post and scale of pay mentioned against their names as indicated in the said order. Subsequent thereto, the Chief Engineer (Power), Manipur, issued

a Corrigendum dated 26-08-1997 clarifying that the words “**converted into Work-Charged**” should be read as “**absorbed into regular Work-Charged**” as mentioned in the earlier order, meaning thereby that the Casual/ Muster Roll service of the petitioner’s husband and other Casual/ Muster Roll employees of the Electricity Department had been absorbed in the regular Work-Charged establishment w.e.f. 23-10-1991. It is also clearly mentioned in the said Corrigendum as well as in the earlier order that the said order as well as the Corrigendum had been issued in compliance with the Hon’ble Supreme Court’s order dated 06-08-1990 passed in WP(C) No. 56 of 1990.

[12] In the affidavit-in-opposition filed by the respondents No. 1 to 3 and 6, the specific and clear averments made by the petitioner about the factum of their appointment as regular Work-Charged have not been denied by the respondents. In my considered view, the authorities have rejected the claim of the petitioner by issuing the impugned order dated 22-01-2020 without application of mind and without considering the Corrigendum dated 26-08-1997 by which it was made clear that the service of the husband of the petitioner and other Casual/ Muster Roll employees have been absorbed into regular Work-Charged establishment and that the said impugned order had been issued arbitrarily and without application of mind. Accordingly, this court has no hesitation to interfere with the order impugned in the present writ petition.

[13] On a plain reading of the Corrigendum dated 26-08-1997 along with Office Order No. 620 dated 07-11-1991 issued by the Chief Engineer (Power), Manipur, which have been issued in compliance with the order dated 06-08-1990 passed by the Supreme Court of India in WP(C) No. 56 of 1990, this court is satisfied that the husband of the petitioner had been absorbed into regular Work-Charged establishment in the Electricity Department w.e.f. 23-10-1991 and he had rendered service as regular Work-Charged for about 10 years and as such, this court is of the considered view that the husband of the petitioner was entitled to receive pension and upon his demise the petitioner is also entitled to receive family pension as provided under the Terminal Benefits Rules. The relevant rules of the Terminal Benefits Rules are reproduced hereunder for ready reference:-

**“GOVERNMENT OF MANIPUR
FINANCE DEPARTMENT
(Pay Implementation Cell)**

**NOTIFICATION
Imphal, the 8th September, 1994**

No. 17/3/86/PIC: The Governor of Manipur is pleased to accord approval to make the following rules further to amend the Terminal Benefit for Work-Charged Staff of P.W.D., IFCD, PHED, MI and Electricity Rules, 1978

- (i) These rules may be called the Terminal Benefit for work charge staff P.W.D., IFCD, PHED, M.I. and Electricity (Amendment) Rules 1994.***
- (ii) They shall come into force from the date of publication in the Official Gazette.***

In rule 6(A) of the Terminal Benefit for work Charged Staff of P.W.D., IFCD, PHED, M.I., and Electricity, Rules 1978, the following rules shall be substituted namely:-

Rule 6(A) - Family pension as calculated under MCS (Pension) Rules 1979 as amended from time to time subject to the following conditions:-

- (i) The benefit shall be available to the family of any permanent work - charged employee who died on or after 21-6-1990 after rendering not less than 1 (one) year of service after confirmation.**
- (ii) The payment of family pension shall be effective from 21-5-93 and no arrears in cash or otherwise for the period from 21-6-90 to 21-5-93 shall be paid.**

**Sd/-
(R.R. Rashmi)
Secretary (Finance),
Government of Manipur"**

[14] In view of the facts and circumstances narrated hereinabove, the present writ petition is allowed by issuing the following directions:-

- (i) The impugned order dated 22-01-2020 issued by the Secretariat: Power Department is hereby quashed and set aside;
- (ii) The respondents are hereby directed to pay to the petitioner family pension due payable to her upon the demise of her husband w.e.f. 22-04-2000 on which date the petitioner's husband expired as provided under the Terminal Benefits Rules as early as possible but not later than three months from the date of receipt of a certified copy of this order.
- (iii) The petitioner is also directed to co-operate with the authorities as and when the authorities require her to submit any documents in connection with the payment of family pension; and

- (iv) It is made clear that in the event the respondents failed to release the family pension due payable to the petitioner within the stipulated period given hereinabove, the whole amount of family pension due payable to the petitioner will carry an interest of 9 percent per annum w.e.f. 22-04-2000 till the actual payment of the said family pension.

With the aforesaid directions, the present writ petition is disposed of. There will be no order as to cost.

JUDGE

Devananda