IN THE HIGH COURT OF MANIPUR
AT IMPHAL

WP(C) No. 278 of 2020

Thounaojam Ibobi Singh.

…Petitioner

- Versus -

State of Manipur & 3 Ors.

…Respondents

(VIDEO CONFERENCE)

B E F O R E
HON'BLE MR. JUSTICE KH. NOBIN SINGH

O R D E R

22-12-2020

[1] Heard Shri S. Biswajit Meitei, learned counsel appearing for the petitioner and Shri Niranjan Sanasam, learned Government Advocate appearing for the State respondents.

[2] By the instant writ petition, the petitioner has prayed for issuing a writ of mandamus or any other appropriate writ to direct the respondents to sanction additional pension and other retiral benefits for the service rendered by the petitioner as State Chief Information Commissioner w.e.f. 01-03-2019 with interest permissible under the law.

[3] According to the petitioner, he is a retired IFS Officer and after his retirement, he was appointed as the State Chief Information Commissioner vide order dated 25-04-2015 issued by the State Government. On attaining the age of 65, i.e. after serving for 3 years 9 months 24 days, the petitioner demitted office on 28-02-2019.

[4] The petitioner was entitled to the additional pension with retiral benefits under Section 16(5)(a) of the Right to Information Act, 2005 read with the provisions of the relevant enactments but the same was not granted to the petitioner till date.

[5] A case being WP(C) No. 60 of 2013, **Shri Robert Hrangdawla, IAS & SCIC (Retd) versus State of Mizoram & 6 Ors** which is similar in nature with the present case, was decided by the Hon'ble Gauhati High Court, Aizawl Bench directing the authorities concerned to issue pension to the petitioner therein including the pension for the service rendered by him as the State Chief Information Commissioner, Mizoram.

[6] Similarly, in a case being WP(C) No. 421 of 2015, **Shri R.K. Angousana Singh versus State of Manipur & Ors,** the State Government in its affidavit admitted the entitlement of additional pension with retiral benefits under the said Section 16(5)(a) of the Right to Information Act, 2005 read with relevant rules. This Court vide its order dated 03-09-2015 allowed the said writ petition with the direction that the respondents should pay the additional pension and retiral benefits to the petitioner with interest thereon at the rate of 12% from the day the same were due to the petitioner. In compliance with the said order dated 03-09-2015, the Department of Personnel and Administrative Reforms (AR Division), Government of Manipur issued an order dated 02-11-2015 granting additional pension and retiral benefit as admissible under the rules along with 12% interest thereon from 12-09-2011 to petitioner therein.

[7] After the petitioner having demitted office on 28-02-2019, the Deputy Secretary, Manipur Information Commission wrote a letter to the Joint Secretary (AR), Governmennt of Manipur with copies endorsed to the Senior Accounts Officer (Pension) Office of the AG (A&E), Manipur enclosing therewith the relevant papers vide its letter dated 18-03-2019 but till today no payment has been received by the petitioner in that regard. Being aggrieved by the inaction on the part of the respondents, the petitioner submitted a representation dated 14-10-2019 which is still pending for consideration by the respondents. Being aggrieved further by the inaction on the part of the respondents, the petitioner was compelled to file the instant writ petition on the inter alia grounds that the facts of the said two cases, referred to hereinabove, are similar to that of the present case and therefore, the petitioner is entitled to the said benefits and the failure on the part of the respondents to do the needful is violative of Article 14 of the Constitution of India.

[8] No counter has been filed on behalf of the respondents and therefore, the averments made in the writ petition shall be deemed to have been admitted by them in terms of the law laid down by the Hon'ble Supreme Court in the catena of decisions.

[9] When the matter is taken up for consideration, it has been vehemently submitted by Shri S. Biswajit Meitei, learned counsel appearing for the petitioner that since the issue involved herein is covered by the judgment and order dated 03-09-2015 passed by this Court in WP(C) No. 421 of 2015, **Shri R.K. Angousana Singh versus State of**

Manipur & Ors, the instant writ petition is liable to be allowed with the appropriate direction. The fact that the issue is covered by the judgment and order is not denied by Shri Niranjan Sanasam, learned Government Advocate appearing for the State respondents. All that has been submitted by him is that the matter has been processed in File No.11/4/2005-AR and that a Cabinet Memorandum has been placed before the State Cabinet for consideration and the approval is being awaited.

[10] Be that as it may, since the issue involved herein is covered by the said judgment and order passed in WP(C) No. 421 of 2015, there is no point of keeping the matter pending and accordingly, the writ petition stands allowed with the direction that the respondents shall pay the additional pension and retiral benefits to the petitioner within a period of three months from the date of receipt of a copy of this order with interest thereon @ Rs. 12% from the date the same were due to him, i.e. 28-02-2019.

[11] There shall be no order as to costs.

[12] Copies of this order shall be sent to the counsel appearing for the parties through their WhatsApp/e-mail.

JUDGE

Victoria

Yumkham Rother

Digitally signed by Yumkham Rother
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