Item No.3

MAYAN GLAMBA M CHANU NANDINI
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IN THE HIGH COURT OF MANIPUR
AT IMPHAL

WP(C) No.632 of 2020

Yengkhom Nganthoiba

……. *Petitioner/s*

– Versus –

State of Manipur & 2 Ors.

…*Respondent/s*

BEFORE
HON'BLE MR. JUSTICE M.V. MURALIDARAN

For the Petitioner/s	:	Mr. Anjan Sahu, Advocate
For the Respondent/s	:	Mr. Niranjan Sanasam, Adv.
Date of hearing and Judgment & Order	:	**17.12.2020**

JUDGMENT & ORDER
(ORAL)

This writ petition has been filed by the petitioner seeking a writ of mandamus directing the respondents to disburse pensionary benefits, implement dearness relief, enhance medical allowance as stipulated by the 7th pay Commission to him and also disburse arrears with interest at the rate of 18% per annum.

[2] The case of the petitioner is that he is a retired Horticulture Development Officer under the Department of Horticulture, Government of Arunachal Pradesh and has been drawing pension from the Treasury Office, Imphal West, Manipur since 1.3.2013 with effect from 1.3.2012 under PPO No.AP/20924 with basic pay of Rs.15,425/-, dearness relief at 113% and medical allowance at the rate of Rs.200/- per month.

[3] The further case of the petitioner is that the 7th Pay Commission was adopted by the Government of Arunachal Pradesh with regard to the pensions/family pensions of the State with effect from 1.1.2016 and the petitioner being a retired Government servant is entitled to enjoy the said enhancement of dearness relief as well as the benefits entitled under the 7th Pay Commission, however, he has been systematically denied the said benefits. In this regard, the petitioner earlier applied to the concerned, authority of both the Government and the office of the Accountant General of both States praying for enhancement of his pension and other benefits. However, till date, no action was taken by the said authorities in this regard.

[4] The grievance of the petitioner is that the retired employees of the other States are enjoying the benefits under the 7th Pay Commission and the petitioner is still drawing his pension under the 6th Pay Commission. Despite the Government of Arunachal Pradesh notified that the medical allowance shall

continue to be paid at the rate of Rs.500/- per month, the petitioner has been granted the medical allowance at the rate of Rs.200/- per month. Thus, the acts of the respondents in not taking any action for the disbursement of the said benefits under the 7th Pay Commission to the petitioner are illegal and unlawful and capricious to the extent that they have deprived the petitioner of his fundamental rights guaranteed under the Constitution of India and the said acts of the respondents are also in violation of the principles of natural justice and in gross violation of the directive principles of State policy, which though not enforceable in the Courts of law but are not less important.

[5] The learned counsel for the petitioner Mr. Anjan Sahu submitted that the petitioner has been denied the benefits entitled under the 7th Pay Commission and despite the petitioner approaching the authorities of both the States for the enhancement of his pension and other benefits in accordance with the 7th Pay Commission, nothing has been done by the authorities in this regard. Hence, the petitioner has approached this Court for suitable direction to the respondent authorities.

[6] The learned Government Advocate Mr. Niranjan Sanasam appearing for the respondents vehemently opposed for entertaining the writ petition by contending that the employer and employee jurisdiction is lying only at the Government of Arunachal Pradesh and that the Government of Manipur or the Accountant General of Manipur have no role to play in the present writ petition.

However, the learned Government Advocate agreed that if any direction is issued to the second respondent to consider the representation of the petitioner dated 16.3.2019, they are ready to consider the same and pass appropriate orders.

[7] In view of the submissions made by the learned counsels for the parties and without going into the merits of the matter, the writ petition is disposed of with a direction to the second respondent, Senior Deputy Accountant General (A&E), Government of Manipur to consider the representation of the petitioner dated 16.3.2019 and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order after affording sufficient opportunity to the petitioner. No costs.

[8] It is made clear that this Court has not delved into the merits of the matter except the direction to pass appropriate orders on the representation of the petitioner dated 16.3.2019 by the second respondent.

[9] Registry is directed to issue copy of this order to both the parties through their whatapp/e-mail.

JUDGE

FR/NFR

-Larson