

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

WA No.1 of 2018

The State of Manipur through the Commissioner(Higher Education),
Government of Manipur & 2 two Ors.

Appellants

Vs.

Shri Thangjam Ibopishak Singh & Anr.

Respondents

**BEFORE
HON'BLE THE CHIEF JUSTICE MR. D. KRISHNAKUMAR
HON'BLE MRS. JUSTICE GOLMEI GAIPHULSHILLU KABUI**

ORDER

17.12.2024

D. Krishnakumar, C.J. :

Mr. Kh. Athouba, learned GA appears for the appellants and Mr. S. Rupachandra, learned senior counsel appears for the private respondent.

The appeal has been preferred against the impugned common Judgment and order dated 02.08.2017 passed in WP(C)No.405 of 2014 and WP(C)No.704 of 2014 whereby the respondent herein is entitled to serve till the age of 62(sixty two) years.

According to the appellant, the respondent No. 1 herein is entitled to serve in the department till the age of 60(sixty) years by relying upon the Fundamental Rules 56 and therefore, the appeal has been preferred before this Court.

When the appeal is taken up for hearing, learned senior counsel appearing for the private respondent on instruction stated before this Court the private respondent is not interested to prosecute the appeal and also he is not prosecuting the prayer sought for in the aforesaid writ petition and desire to accept

the superannuation at the age of 60(sixty) years as Demonstrator in the appellant College.

In view of the above submissions made by the respondent and by the consent of the parties, we are inclined to pass the following orders:

- (a) The impugned Judgement and order dated 02.08.2017 passed by the writ Court is set aside.
- (b) The appellant department is directed to settle the retirement benefits for the private respondent within a period of 3(three) months from the date of receipt of a copy of this order.
- (c) If the settlement for retirement benefits for the private respondent is not completed within the aforesaid period by the department, the respondent/writ petitioner is entitled for interest at the rate of 8% per annum.

With the above directions, the appeal is allowed.

JUDGE

CHIEF JUSTICE

John Kom