IN THE HIGH COURT OF MANIPUR
AT IMPHAL

WP(C) No.573 of 2022

Smt K.Jenluna Gangmei … Petitioner

-Versus-

State of Manipur & 4 Ors … Respondents

BEFORE
HON'BLE MR. JUSTICE A.GUNESHWAR SHARMA

18.10.2024

Heard Mr.Athoi, learned counsel for the petitioner, Mr.Sukumar, learned Government Advocate for the State and Mr.S.Suresh, learned counsel for respondent No.5.

The petitioner approached this court inter alia, praying for releasing terminal pensionary benefit.

It is stated that the petitioner on superannuation retired as Preservation Assistant w.e.f. 31.12.2020 ((AN) from the State Archives Department of Art & Culture, Government of Manipur. However, pensionary benefit was not released due to excess withdrawal of a sum of Rs.1,34,413/-. It is submitted that a balance sum of Rs.40,487/- remains as on date.

Mr.S.Suresh, learned counsel for the Principal Accountant General, draws attention of this Court to letter dated 1.12.2023 written by the Senior Accountants Officer (Pension) to the Under Secretary (Pension Cell). Government of Manipur, wherein it is mentioned that the State Government has instructed the Office of the Accountant General not to deduct the balance amount of Rs.40,487 in terms of judgment of Hon'ble Supreme Court in WP(C) No.573 of 2022 and Service Book of the petitioner was returned for taking necessary decision by the competent authority.

It is also stated that, a recent decision of Division Bench of this Court also followed the law laid down by the Hon'ble Supreme Court in this regard and some of similar matters are pending before this Court.

However, Mr.Athoi, learned counsel for the petitioner, on instruction, submits that process for pensionary and other service benefits may be processed and released after deducting the sum of Rs.40,487/-.

Learned counsel for the respondents submit that if the petitioner waives off his right, this Court may pass appropriate order.

Mr.Athoi, learned counsel submits that pensionary benefit may be released after deducting the sum of Rs.40,487/- as the petitioner does not want to wait for long for disposal of the writ petition.

Recording the submissions made at the Bar and subject to the consent of the petitioner for deducting the balance sum of Rs.40,487/-, the writ petition is disposed of with the direction to the State respondents to prepare necessary Paper Book, forwarding the same to the Principal Accountant General to complete the necessary Pension Papers, within one month and the Office of the Principal Accountant General, shall complete the process and issue Pension Sanction Authority within a further period of one months from the date of receipt of necessary papers from the State Government.

It is clarified that this case is disposed of in the peculiar facts and circumstances of the case and as requested by the learned counsel for the petitioner.

Furnish a copy of this order to learned counsel for the parties.

JUDGE

Priyojit

RAJKUMAR PRIYOJIT SINGH
Digitally signed by RAJKUMAR PRIYOJIT SINGH
Date: 2024.10.21 13:59:37 +05'30'