
(2006) 08 GAU CK 0084
In the Gauhati High Court

Ayekpam(O) Mangolnganbi Devi

APPELLANT

Vs

State of Manipur

RESPONDENT

Date of Decision : 21-08-2006

Acts Referred:

Citation : (2006) 08 GAU CK 0084

Hon'ble Judges : T.Nanda Kumar Singh, J

Bench : Single Bench

Advocate : N.Ibotombi Singh, Ch.Robin Chandra Singh, A.Modhu Chandra Singh, Advocates appearing for Parties

Judgement

1. Heard Mr. Ch. Robinchandra, learned counsel for the petitioner as well as Mr. N. Ibotombi, learned for the respondent No.4 and Mr. A. Modhuchandra, learned Govt. Advocate for the respondent Nos.1,2 and 3.

2. The short factual matrix of the petitioner's case is that the petitioner's husband was appointed as Workcharged Chainman in the year 1982. Later on, the service of the petitioner's husband had been confirmed under office order No. 87 of the Chief Engineer, Minor Irrigation Department dated 22.06.2005 with effect from 09.06.1983. It is admitted that the petitioner's husband namely, A. Manao Singh appeared at Sl.No. 12 of the said office order No.87 of the Chief Engineer, Minor Irrigation Department dated 22.6.2005, a copy of which is available at AnnexureA/2 to the present writ petition. The petitioner's husband died on 30.08.1988, and on his death, the Chief Engineer, Minor Irrigation Department issued office order No.66 dated 12.01.2005 for terminating the service of the petitioner's husband with effect from 30.08.1988, a copy of which is available at AnnexureA/3 to the present writ petition. It is clear that the Terminal Benefits for Workcharged Staff of PWD/IFC/PHED/MI/Electricity, Manipur, Rules, 1978 had been amended under the order of the Governor of Manipur dated 06.06.1991 by inserting Rule 6(B) which reads as follows:

? Rule 6(B) Terminal Benefit shall also be admissible to the Workcharged

employees who retired prior to 18978 and whose family members are living on the date of issue of this order from 18978 and also Family Pension to the families of Workcharged employees who died prior to 21.06.1990 and whose family members are living on the date of issue of this order?.

3. Further case of the petitioner is that the petitioner's husband died on 30.08.1988 prior to 21.06.1990. Learned counsel appearing for the petitioner submits that the petitioner is entitled to get family pension under the Terminal Benefits Rule by virtue of Rule 6(B). In order to substantiate the case of the petitioner, learned counsel appearing for the petitioner referred the earlier Judgment and order of the Division Bench of this Court dated 1.10.2001 passed in Writ Appeal No. 254 of 1998 and batch. Relevant portion of the Judgment and Order of the Division Bench dated 1.10.2001 passed in Writ Appeal No. 154 of 1998 and batch read as follows:

? No doubt the Rules regarding terminal benefit came into effect on 18.9.1978 and the employee had died prior to introduction of the 1978 Rules. However, vide notification dated 6.6.1991 by which rule 6(B) came to be added made the terminal benefits admissible to an employee who might have retired prior to 18.9.1978 and also family pension to the families of workcharged employees who died prior to 21.06.1990 and whose family members were living on the date of issue of rule 6(B). Admittedly, the employee had died prior to 21.06.1990 and the family members were living on 6.6.1991 when rule 6(B) was introduced. Under rule 6(b) there is no necessary that the employee after confirmation must have completed more than one year of service which was observed above was only introduced on 21.5.1993 (which was prospective). Consequently, the appellant in Writ Appeal No. 135/98 would be entitled to family pension with effect from 6.6.1991 as the employee had died prior to 21.6.1990, i.e. 15.6.1968, and the family of the employee was living on 6.6.1991 when rule 6(B) was inserted?.

4. Learned counsel appearing for the petitioner also submits that this Court had allowed a number of writ petitions by following the decision of the Division Bench of this Court dated 1.10.2001 passed in Writ Appeal No. 154 of 1998 and batch and the Judgment and order of this Court dated 1.03.2005.

5. Having regards to the facts and circumstances of this case and also on perusal the Judgment and order of the Division Bench of this Court dated 1.10.2001 passed in Writ Appeal No.154 of 1998 and batch, this writ petition is allowed and the benefits of the earlier Judgment and Order of this Court dated 1.30.2005 passed in W.P.(C) No.1445 of 2003 also shall be extended to the present writ petitioner, and the respondents shall pay the family pension to the petitioner as per the Terminal Benefit for Workcharged staff of PWD/IFC/PHED/MI/Electricity, Manipur, Rules, 1978 within a period of 6(six) months from the date of receipt of this Judgment and order. Writ petition is allowed. No order as to costs.