

(2025) 12 MAN CK 1706

In the Manipur High Court

Case No : Writ Petition (C) No. 5 of 2025, Miscellaneous Case (Writ Petition(C))
No. 408, 938 Of 2025

Gurumayum Bimola Devi

APPELLANT

Vs

State Of Manipur; & 2 Ors

RESPONDENT

Date of Decision : 23-12-2025

Acts Referred:

Central Civil Services (Pension) Rules, 1972 — Rule 9(4), 69

Citation : (2025) 12 MAN CK 1706

Hon'ble Judges : Ahanthem Bimol Singh, J

Bench : Single Bench

Advocate : S. Lokhendro, Shyam Sharma, L. Gunindro

Judgement

Ahanthem Bimol Singh, J

[1] Heard Mr. S. Lokhendro, learned counsel appearing for the petitioner, Mr. Shyam Sharma, learned GA appearing for the respondents No. 1, 2 & 3 and Mr. L. Gunindro, learned counsel appearing for the respondent No. 4.

The present wit petition has been filed with a prayer for directing the respondents to consider the case of the petitioner for payment of pension and other retiral benefits due payable to the husband of the present petitioner, viz., (L) Shri. Gurumayum Arunkumar Sharma and also the family pension due payable to the present petitioner.

[2] The case of the petitioner is that her husband, while serving as Junior Accounts Assistant at Treasury Office, Thoubal, was made as one of the accuse in Spl. Trial Case No. 1 of 2018 before the Court of Special Judge (PC), Thoubal. While the said Criminal Case was pending, the petitioner's husband retired from service w.e.f. 28.02.2021 on attaining the age of superannuation and the petitioner's husband was entitled to receive his pension on and from 01.03.2021, however, no retiral benefits or pensionary benefits have been given or released to the husband of the petitioner due to pendency of the Spl. Trial Case.

It is also the case of the petitioner that by a final judgment and order dated 12.04.2021 passed by the Special Judge (PC), Thoubal in the said Spl. Trial Case No. 1 of 2018, it was declared that the Trial of the said case against the accused persons was a complete nullity and the accused persons were discharged from liability of the case.

[3] The husband of the petitioner subsequently expired on 17.08.2024 without receiving any retiral benefits or pension due payable to him even after he was exonerated from the liability of the Criminal case.

[4] After the expiry of her husband, the petitioner made several representations to the authorities for releasing all the retiral benefits as well as pensionary benefits due payable to her husband and also for releasing the family pension due payable to her upon the demise of her husband, however, without any favorable result.

[5] Mr. S. Lokhendro, learned counsel appearing for the petitioner submitted that as there is no Criminal Case for departmental enquiry pending against the husband of the petitioner and as no such Criminal Case for departmental enquiry can be taken up against the husband of the petitioner after his demise, the petitioner is entitled to receive all the retiral benefits including pensionary benefits due payable to her husband and also the family pension due payable to her.

The learned counsel further submitted that pending consideration of such issues and disposal of the writ petition, an interim order may be passed for directing the authorities to release the provisional pension due payable to the petitioner as provided under Rule 9 (4) read with Rule 69 of the Central Civil Services (Pension) Rules, 1972 to mitigate the hardship of the petitioner.

[6] Mr. Shyam Sharma, learned GA appearing for the respondents submitted that against the judgment and order passed by the Special Judge (PC), Thoubal in Spl. Trial Case No. 1 of 2018 a Revision Petition has already been filed by the authority along with an application for condoning the delay and that the said matter is still pending for consideration.

The learned GA further submitted that the matter may be heard finally just after the opening of winter vacation, however, the learned GA fairly submitted that pending consideration and disposal of this writ petition, any appropriate interim order for granting provisional pension as provided under Rule 9 (4) read with Rule 69 of the Pension Rules may be passed as prayed for on behalf of the petitioner.

[7] After considering the submission made by the learned counsel appearing for the parties and also on examination of the record, this Court is of the view that it will be in the interest of justice to direct the respondents to release the provisional pension as well as any retiral benefits due payable to the petitioner as provided under the Rules upon the demise of her husband. Ordered accordingly.

[8] It is made clear that the whole process for payment of provisional pension and other retiral benefits due payable to the petitioner as provided under the Rules shall be completed within a period of two months from today.

[9] As prayed for by the learned counsel appearing for the parties, list these cases for final hearing on 17.02.2026.