
(2006) 03 GAU CK 0043
In the Gauhati High Court

Huidrom Ongbi Shanti Devi	Vs	APPELLANT
State of Manipur and Ors.		RESPONDENT

Date of Decision : 23-03-2006

Acts Referred:

Citation : (2006) 03 GAU CK 0043

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

Bench : Single Bench

Advocate : Th.Ibohal Singh, Advocates appearing for Parties

Judgement

1. None appears for the petitioner. Heard Mr. Th. Ibohal Singh, learned Govt. Advocate appearing for the respondent Nos. 1, 2 and 3.

2. The fact, stated in short, of the case of the petitioner is that the petitioner is the widow of late Huidrom Tharongou Singh, Sub Inspector (S.I) in the Manipur Police Department, Govt. of Manipur. While he was serving in such capacity i.e. SubInspector (S.I), he was killed by a Police Constable, namely, Md. Ayubkhan, Constable No.867080 on 25.01.1993 in the compound of Mortbung Police Outpost, Senapati District, Manipur. It is stated that for the said incident a session trial is going on.

3. In this writ petition, the petitioner is seeking a prayer for quashing the letter of the Asstt. Inspector General of Police (Pov./Housing), Imphal to the Superintendent of Police, Senapati District, Senapati dated 3rd June, 1993 that the proposal for sanction of Special Pension in respect of late H. Tharonngou Singh, SubInspector (S.I) husband of the present writ petitioner is not covered under the existing rules for payment of Special Pension. The present writ petition relates with the payment of Special Pension under "The Manipur Services (Special Pension) Rules, 1983", a copy of which is available at AnnexureA/1 to the present writ petition. It is stated that the Manipur Services (Special Pension) Rules, 1983 was notified under Notification No.10/2/82FD (Pension), Imphal dated 19th January, 1983. The relevant provision of the Manipur Services

(Special Pension) Rules, 1983 under which the Special Pension is entitled to the category of person/persons is quoted hereunder:

4(i) In the event of the death of a Government servant defined in Rule (2) (f) serving in connection with the affairs of the State of Manipur caused by violence, or wrongful act of the person or persons believed to be members of an extremist organization, the Governor of Manipur, shall subject to the provision of these rules, sanction a special pension equivalent to the total emoluments (including Dearness allowance and Compensatory allowance) last drawn by the deceased Government servant to the persons entitled to draw his family pension under the pension Rules governing the deceased Govt. servants. This pension shall continue till the date when the deceased Government servant would if living have attained the age of superannuation under his terms of service. In respect of persons who are killed while on extraordinary leave/half pay leave, the determination of total emoluments (including Dearness allowance and all Compensatory allowances) will be made by the Government having regard to facts and circumstances of each case under Rule 9. Reliefs sanctioned by the Government to other pensioners under Family Pension Rules shall not be Admissible to the Pensions under these Rules.

4. From bare perusal of Rule 4(i) of Manipur Services (Special Pension) Rules, 1983 which is quoted in entirety above, it is clear that Special Pension is entitled to the person/persons (Government employee) who were killed by violence or wrongful act of the person/persons believed to be member/members of an extremist organization. Admittedly, in the present writ petition, the petitioner's husband late H. Tharongou Singh, SubInspector (S.I), Manipur Police was killed by a Police Constable and not by members of the extremist organization. Such being the situation, this Court is of the considered view that the petitioner fails to make out a case for interfering with the letter of the Asstt. Inspector General of Manipur (Prov./Housing), Manipur Imphal to the Superintendent of Police, Senapati District, Senapati dated 3.6.1993 that the proposal for sanction of Special Pension in respect of late H. Tharongou Singh, SubInspector (S.I) of Police is not covered under existing rules for payment of Special Pension. Accordingly, this Court is of the considered view that this writ petition is devoid in merit.

5. Accordingly, this writ petition is dismissed. No order as to costs.