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**(2005) 02 GAU CK 0046**  
**In the Gauhati High Court**  
**Case No : WP (C) No. 680 of 2004**

Majira Bibi

APPELLANT

Vs

State of Manipur and Others

RESPONDENT

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**Date of Decision :** 07-02-2005

**Acts Referred:**

**Citation :** (2005) 2 GLR 311

**Hon'ble Judges :** T. Nandakumar Singh, J

**Bench :** Single Bench

**Advocate :** I. Lalitkumar Singh, for the Appellant; Th. Ibohal Singh, for the Respondent

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## Judgement

T. Nandakumar Singh, J.—Heard Mr. I. Lalitkumar Singh, learned Sr. counsel assisted by Mr. . Niranjan Singh, learned counsel appearing on behalf of the writ petitioner as well as Mr. Ibohal Singh, learned Govt. Advocate on behalf of the respondents.

2. The case of the petitioner is that the petitioner's husband joined as a School teacher on 1.10.1959 and thereafter he served for about 20 years 5 months and 28 days on regular basis, he sought for resignation in 1980. After his voluntary retirement from service, the pensionary and other financial benefits were not paid to the petitioner's husband by the competent authority to on being aggrieved by the failure on the part of the competent authority to pay the pensionary and other financial benefits to the petitioner's husband, her husband approached this court by filing a writ petition being C.R. No. 163 of 1998 against the (1) The state of Manipur represented by the Chief Secretary, Manipur, (2) the Commissioner/Secretary (Education), Govt. of Manipur, (3) the Under Secretary, Education Govt. of Manipur and (4) the Director of Education (S) Govt. of Manipur. The said C.R. No 163 of 1998 was finally decided by this court by passing reasoned judgment and order dated 18.6.1998 (Annexure-A2 to the writ petition). This court by the said judgment and order dated 18.6.1998 passed in C.R. No. 163 of 1998, directed the respondents "to take immediate steps to

release pensionary benefits to the petitioner. This shall be done within a period of 3 (three) months from the date of receipt of this order". Against the said order of this court dated 18.6.1998 passed in C.R. No. 163 of 1998, the state government had preferred an appeal being W.A. No. 121 of 1998 (Ref: C.R. No. 163 of 1998) before the Division Bench of this court and the said W.A. No. 121 of 1998 was also dismissed by this court (Division Bench) by passing an order dated 5.3.2003. Unfortunately before the competent authority released the pensionary and other financial benefits in pursuance of the said order of this court dated 18.6.1998 passed in C.R. No. 163 of 1998, the petitioner's husband expired. In this regard, the learned counsel for the petitioner has drawn the attention of this court to the Death Certificate dated 14.3.2003 (Annexure-A5 to the writ petitioner) indicating that the petitioner's husband died on 16.2.2003. Accordingly, the petitioner filed this writ petition for a direction to the respondents to pay the pensionary and other financial benefits entitled to her late husband. In this regard, Mr. I. Lalitkumar Singh, learned Sr. counsel for the petitioner submits that the Apex Court in Smt. Sudha Shrivastava Vs. Comptroller and Auditor General of India, held that "the legal representative of the Govt. employee can claim back wages and other monetary benefits which would be entitled to the deceased employees". Therefore, the learned Sr. counsel for the petitioner submits that the present writ petition is maintainable.

3. In the above factual background and also after considering the submissions of the learned counsel for the petitioner, I am of the considered view that writ petition could be disposed of at this stage by passing a simple direction. When the case is about to dispose of, Mr. Th. Ibohal Singh, learned G.A. appearing for the respondents submits that he got an information from the state government that the state government has decided to file SLP against the said impugned order of this court, i.e., Division Bench, dated 5.3.2002 passed in W.A. No. 121 of 1998. Be that as it may, I am of the considered view that this writ petition could be disposed of at this stage. Accordingly, the respondents are directed to release the pensionary and other financial benefits entitled to the petitioner's husband in pursuance of the order of this court dated 18.6.1998 passed in C.R. No. 163 of 1998 and dated 5.3.2003 passed in W.A. No. 121 of 1998 within a period of six months from the date receipt of this order. No order as to costs.