
(2019) 03 MAN CK 0003
In the Manipur High Court
Case No : Writ Petition (c) No. 707 Of 2015

Md. Jaheruddin

APPELLANT

Vs

State Of Manipur & Ors

RESPONDENT

Date of Decision : 30-03-2019

Acts Referred:

Citation : (2019) 03 MAN CK 0003

Hon'ble Judges : Ramalingam Sudhakar, CJ

Bench : Single Bench

Advocate : Sapana Devi, Kh.Athouba, S.Samarjit

Final Decision : Allowed

Judgement

R.S., CJ

[1] The prayers in this writ petition are as follows:-

"d) issue a writ in the nature of Mandamus directing the Respondents to release all retiral benefits such as Gratuity, leave encashment, GPF, GIS and monthly regular pension including arrears to the Petitioner;

e) issue another writ of Mandamus directing the Respondents to make the payment of the Petitioner's retiral benefits at the earliest and not later than 2(two) months:"

[2] The petitioner who joined Government service as a Lower Division Clerk retired from service on attaining superannuation w.e.f. 28.02.2015. Prior to his retirement sometime in the year 2005, the petitioner was placed under suspension in contemplation of a departmental enquiry to be held against him. However, as the proposed departmental enquiry was not initiated inspite of the petitioner being placed under suspension for a long time, the petitioner filed a writ petition before this Court seeking to quash and set aside the suspension order. The Court on 03.9.2010 allowed the petitioner's writ petition by directing the respondents to complete the proposed departmental enquiry within 4(four)

months failing which the petitioner was to reinstated back into service. As the departmental authorities failed to complete the departmental enquiry, the petitioner was reinstated into service vide order dated 21.02.2011. Thereafter, the petitioner joined duty and render his services till his retirement on 28.02.2015. In the meantime, the departmental enquiry was concluded on 08.6.2011 with the enquiry committee recommending awarding a minor penalty in the form of holding of increment of the petitioner's pay.

[3] In the light of the above facts, the petitioner has prayed for a writ of Mandamus to release all retiral benefits to the petitioner and the petitioner has made a representation dated 10th December, 2014 (Annexure-A/6) to the respondents, the Commissioner (HTE), Govt. of Manipur and the Director (U), Govt. of Manipur at Imphal. The said representation has not been considered and disposed of by the authorities.

[4] In this view of the matter, the present writ petition is disposed of by directing the respondents to consider the said representation dated 10th December, 2014 on its own merit and dispose of the claim of the petitioner within 8(eight) to 12(twelve) weeks from the date of receipt of a copy of this order.

[5] Writ petition stands allowed and disposed of as above.