
(2023) 05 MAN CK 0034
In the Manipur High Court
Case No : Writ Petition (C) No. 433 Of 2023

NP. Damodaran

APPELLANT

Vs

State Of Manipur & Ors.

RESPONDENT

Date of Decision : 26-05-2023

Acts Referred:

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

Citation : (2023) 05 MAN CK 0034

Hon'ble Judges : Ahanthem Bimol Singh, J

Bench : Single Bench

Advocate : R.S. Reisang, Niranjan Sanasam, S. Samarjeet

Judgement

Ahanthem Bimol Singh, J

Heard Mr. R.S. Reisang, learned senior counsel appearing for the petitioner.

Issue notice, returnable within four weeks.

Mr. Niranjan Sanasam, learned GA entered appearance and accepts notice on behalf of respondents No. 1 to 4 and Mr. S. Samarjeet, learned senior panel counsel entered appearance and accepts notice on behalf of respondent No. 5, hence no formal notice is called for.

It has been submitted by the learned senior counsel appearing for the petitioner that the petitioner has been suspended in connection with a criminal case, for which trial is still going on and at the same time, the authorities are also proceeding Departmental Enquiry against the petitioner on the same charge as are those in the criminal cases. According to the learned senior counsel, parallel proceeding against the petitioner, one under the criminal law and another under the Departmental proceeding on the same charges is not permissible, in view of the judgment rendered by the Hon'ble Apex Court in the case of "State of U.P. Vs. Shri Krishna Pandey", reported in (1996) 9 SCC 395. The learned senior counsel also submitted that the petitioner has retired from service in the year

2019 on attaining the age of superannuation, however due to pendency of the criminal case as well as Departmental Enquiry, the authorities did not release the provisional pension due payable to the petitioner. The learned senior counsel accordingly made a prayer for passing appropriate interim order to mitigate the hardships faced by the petitioner.

Mr. Niranjana Sanasam, learned GA appearing for the respondents submitted that he may be given some time to get instruction and also to file a detailed affidavit.

In view of the submission made above, let this case be listed again on 27-06-2023 for consideration of the prayer for passing interim order. In the meantime, it is hereby directed that no Departmental Enquiry against the petitioner should be proceeded as contemplated in the impugned letter dated 31-01-2023 issued by the Deputy Commandant (Adm.), 2nd Battalion, Manipur Rifles without the leave of this court. The authorities are also hereby directed to release the provisional pension due payable to the petitioner as provided under Rule 9(4) read with Rule 69 of the CCS(Pension) Rules, 1972 within a period of three months from the date of receipt of a copy of this order.

Registry is directed to reflect the name of Mr. S. Samarjeet, learned CGSC as counsel for the respondents in the cause list.