
(2006) 07 GAU CK 0028
In the Gauhati High Court

Takhellambam (N) Ngangom (O) Sobhapati Devi	APPELLANT
Vs	
State of Manipur and Ors.	RESPONDENT

Date of Decision : 24-07-2006

Acts Referred:

Citation : (2006) 07 GAU CK 0028

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

Bench : Single Bench

Advocate : R.S.Reisang, N.Ibotombi Singh, Ch.Robin Chandra Singh, Advocates appearing for Parties

Judgement

1. Heard Mr. Ch. Robinchandra Singh, learned counsel appearing on behalf of the petitioner as well as Mr. R.S. Reisang, learned G.A. for the respondents 1 to 3 and Mr. N. Ibotombi Singh, learned CGSC for the respondent no.4.

2. The learned counsel appearing for the petitioner submits that the present case is squarely covered by the common judgment and order of this court (Division Bench) dated 1.10.2001 passed in W.A. NO.154 of 1998 and batch and also the common judgment and order of this court dated 1.3.2005 passed in W.P(C)No.1445 of 2003 and batch. Copies of the earlier common judgment and order of this court dated 1.10.2001 passed in W.A. No.154 of 1998 and batch and dated 1.3.2005 passed in W.P(C) No.1445 of 2003 and batch are available at AnnexuresA/4 and A/7 respectively to the present writ petition.

3. The petitioner's husband Ng. Ibomcha Singh during his life time was serving as WorkCharged Khallasi in M.I. Department, Govt. of Manipur. By the office order No.87 dated 22.6.2005 issued by the Chief Engineer, Minor Irrigation Department, services of the petitioner's husband (i.e. Ng. Ibomcha Singh) as WorkCharged Khallasi had been confirmed w.e.f. 1.3.1983, a copy of the order No.87 dated 22.6.2005 is also available at AnnexureA/2 to the present writ petition and name of the petitioner's husband appears at sl.no.16 in that order.

4. It is the admitted case of both the parties that by the order being

NO.6/3/70W(Pt)A dated 6th June, 1991, the Governor of Manipur amended the Terminal Benefit for Workcharged Staffs of PWD, IFCD, PHED, MI, Electricity Rules, 1978 by inserting Rule 6(B) which reads as below:

?Rule 6(B) Terminal Benefit shall also be admissible to the workcharged employees who retired prior to 18.9.1978 but are living on the date of issue of this order, from 18.9.1978 and also family pension to the families of workcharged employees who died prior to 21.6.1990 but are living on the date of issue of this order.?

5. The petitioner's husband died on 9.1.1990. But referring to the newly amended Rule 6(B) of the Terminal Benefit for Workcharged Staff PWD, IFCD, PHED, MI and Electricity Rules, 1978, the learned counsel for the petitioner submits that the case of the petitioner's husband is covered by the newly inserted Rule 6(B) of the Terminal Benefit for Workcharged staff PWD, IFCD, PHED, MI and Electricity Rules, 1978. This court has morefully considered and perused the earlier said common judgment and orders of this court dated 1.10.2001 passed in W.A. No.154/1998and batch and the common judgment and order dated 1.3.2005 passed in W.P(C)No.1445 of 2003 and batch. This court is also of the considered view that the present case is squarely covered by the earlier aforesaid common judgment and orders of this court. Accordingly, respondents are directed to extend the benefits of the earlier common judgment and order of this court dated 1.3.2005 passed in W.P(C)No.1445 of 2003 and batch and the common judgment and order dated 1.10.2001 passed in W.A.No.154 of 1998 and batch. In other words, respondents are directed to pay the family pension as per the Terminal Benefit for workcharged staff PWD, IFCD, PHED, MI and Electricity Rules, 1978 to the petitioner within six months from the date of receipt of this judgment and order. To the extent mentioned above, this writ petition is allowed.