

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL
W.P.(C) No. 698 of 2019**

Smt. Jaheda Bibi, chahi 56 rom, suraba mapuroiba (Leikhidraba) Md. GulAhamad leifamna Keirao Makha Leikai dagi, P.O. Singjamei amasung P.S. Irilbung, District–Imphal East, Manipur.

... Petitioner

-Versus-

1. State of Manipur bu mahut shillibana Principal Secretary/Commissioner (MID) Government of Manipur, P.O amasung P.S. Imphal, Imphal West District, Manipur (Secretariat Old) – 795001.
2. The Chief Engineer, Minor Irrigation Department, Government of Manipur at Lamphelpat, P.O amasung P.S. Lamphel, District – Imphal West, Manipur-795004.
3. The Principal Secretary (Finance), Government of Manipur, P.O amasung P.S. Imphal, Babuparada leiba Chief Minister gi Secretariat, Imphal West District, Manipur – 795001.

... Respondents

**IKAI KHUMNABAGI MASAK OIRABA
JUSTICE AHANTHEM BIMOL SINGH GI COURT TA**

Petitioner gi maikeida lepliba : Mr. Ch. Robinchandra, Advocate
Respondents gi maikeida lepliba : Mr.Th. Sukumar, Government Advocate
Hearing toukhiba tarikh : **20-10-2022**
Judgement amasung Order pikhiba tarikh : **10-01-2023**

JUDGMENT AMASUNG ORDER

Mr. Ch. Robinchandra, petitioner gi learned counsel amasung Mr.Th. Sukumar, respondents gi maikeida lepliba GA gi wafam sing tare.

[2] Chathariba writ petition asi petitioner gi mapuroiba (Leikhidraba) Md. GulAhamad, hanna Manipur gi Minor Irrigation Department (MI) da Work- charged Khalasi oina thabak touramba asigi Work-charged service pu confirm tou haina Respondent ta yathang pibinaba haiduna Court ta thaba wakatni; masina **Terminal Benefit for Work-charged Staffs of PWD/IFCD/PHED/MI and Electricity Rules,**

1978 gi makhada petitioner gi emung manung da pension fangba ngamhangadouribani.

[3] Tarikh 01-12-1989 da Superintending Engineer, Minor Irrigation Department, Manipur, na thokhiba yathang aduda petitioner gi mapuroiba (Leikhidraba) Md. GulAhamad bu atoppa mi 29 ga loinana Worked-charged Khalasi oina Minor Irrigation Department, Government of Manipur da khalle haina laothokhi. Petitioner gi mapuroiba asi Worked-charge gi Khalasi oina Government of Manipur gi Minor Irrigation Department da thou puringeida tarikh 24-02-2023 da leikhide; mahakna leikhidaba matamduda, petitioner asigi mapuroibana chahi 13 henna Work-charged Khalasi oina thou puramkhi. Mapuroiba na leikhidraba matungda, petitioner asina mari leinaba authority singda chattuna mari leinaba niyomgi matung inna emung-manungna fangfamthokpa pension amasung atei mari leinaba thabaktagi pothaba matamda fangba kanabasing pibinaba haijakhi. Adubu, authority sing aduna leikhidraba thoumee asigi emung manungna fanggadoubani haiba emung-manungna fangfamthokpa pension amasung atei mari leinaba thabaktagi pothaba matamda fangba kanabasing fangfam thok e haiba wafam asibu khannabikhide.

[4] Terminal Benefits for Work-Charged Staffs of PWD/IFCD/PHED/MI amasung Electricity Rules, 1978 semdokhraba Rules 6(A) ‘Terminal Benefit Rules’ haina palliba gi makhada asumna piri madudi:-

“6(A) – Matam-matamgi oina semdoklaba Manipur Civil Services (Pension) Rules, 1977 gi matung inna hisab hotlaba matungda Pension asi leikhidraba Work-charged thoumee adugi emung manung singna makhada piriba fibamsing asigi matung inna fangba yai:-

- (i) Tang-taraba work-charge gi thoumi amana yamdrabda chahi 1(ama) thabak touramlaba, amasung tarikh 21-06-1990 faobagi mamangda karigumba mahak leikhidaba thoklabadi makhoigi emung manung na kannabasing asi fangba yai.
- (ii) Emung-manung gi fangfam thokpa pension gi senthang asi tarikh 21-05-1993 dagi piba hougani amasung 21-06-1990 dagi 21-05-1993 faobagi manunggi arrear asi sel oina ntraga atoppa mawong amada piroi.

[5] Tarikh 22-01-2001 da, Manipur Sarkar gi Principal Secretary (Finance) na Work-Charge thoumee sing gi tang-dangba khandoknaba heeramsing yaoba Office Memorandum ama thadorakhi. Hairiba Office Memorandum asida asumna piri-

- (i) Work-charged thoumi sing adu nouna amuk ayaba pige hairabadi Work-charge gi loishanggi ahaangba permanent post sing aduda onsinduna hapkadabani.

- (ii) Work-charge gi thoumi singgi soidre chummi haiba warol adu makhoina chahi 10 mukki thou adu Work-charge ni haina piriba tarikh adudagi haplaba matung, makhoina Work-charge gi Loishangda chahi 5 chupna thou puraba matung, amasung
- (iii) Mamanggi loikhraba thabaksing tung handuna yenglaba matungda Work-charge gi thoumi oiramba aduga Regular Loishang da puraklabasinggidi chummi haiba warol asi piroidabani.

[6] Petitioner gi mapuroiba aduna Manipur gi Minor Irrigation Department da mahakna leiringeida chahi 10 henna Work-charged Khalasi oina thou puramlaba oibana, mathakta pankhriba tarikh 22-01- 2001 da Finance Department na thokhiba Office Memorandum asigi matung inna, mahakki Work-charge gi thabakki ayaba adu mari leinaba angamba-singna pibigadabani. Hairiba mari leinaba angamba-singna petitioner gi mapuroibagi Worked-charge gi thabakki case asibu mahak masa hinglingeida chummi haiba warol adu pibiramdabana, leikhidraba mahakki mapuroibagi Work-charge gi thabak asibu Respondent na laothoknaba wafam Court na yathang pibinaba chanbiduna haijaba oina petitioner asina Court ki thongda chathariba writ petition asi thari; masina Terminal Benefit Rules gi makhada petitioner amasung mahakki emung manungna pension amasung atei atoppa thabaktagi pothabagi kanaba sing adu fangnabani.

[7] Petitioner gi maikeida lepliba learned counsel, Mr. Ch. Robinchandra na work-charged thoumi singgi thabak asi, petitioner gi mapuroibagi fibam asiga ayambana mannei, hairiba wafam asi Minor Irrigation Department gi thouisingsu yaori amasung, makhoi sing asi petitioner gi leikhidraba mapuroibaga punna chap mannaba yathang amagi matung inna work-charge gi thoumi oina khankhibasingni; hairiba wafam asi makhoina thabaktagi pothabagi matam hendoklaba matungda tarikh 22-01-2001 da, Manipur Sarkar gi Finance Department na thokhiba Office Memorandum da yaoba niyomsinggi matung inna mari leinaba angamba singna soidre chummi haiba ayaba warol pikhrabani haiba wafam fongdokkhi. Asidasu nattana, petitioner gi mapuroiba asi magi work-charge gi thabak asigi chumme haiba warol fangbada matik chai amasung tarikh 22-01-2001 da thokhiba Office Memorandum asigigidamak chunare warol gi matung inna fangfamsu thok e amasung petitioner gi mapuroibagi case asi atei atoppa mari leinaba angamba singna soidre chummi haiba warol pikhraba work-charge gi thoumee singga manaba maramna, petitioner asisu chathariba writ petition asida pankhriba kanabasing asi fangfam thok e haiba wafamsu mahakna fongdokkhi.

[8] Respondent singgi mihut oina lepliba learned GA, Mr. Th. Sukumar na Secretariat ki Finance Department na work-charge gi thoumi oi haibagi soidre chummi haiba warol pinabagi akaknaba thouwong kya ama yaoba Office

Memorandum ama tarikh 28-08-2007 da thokhi haina haikhi. Hairiba aduda yaoriba sing adu makhada piri:-

“(1) Department singna Work-charge gi Loishangda leigadaba akaknaba fam masing adu Finance Department (PIC) ga tanaraba matungda laothokkani.

“(2) CPWD Manual Vol. III gi Para 9.01 gi matung inna, Work-charge karmachari singbu soidre chummi haibagi warol piduna makhoibu permanent fam da onsinba asi chahi 10 chupna work-charge loishang da thou purakkhiba karmachari sing khaktagi oina tougani.

“(3) Thabaktagi potharaba matung da amasung thoumi adu leikhidraba matungda hanagi thabak yenglaga, ayaba piba yaroi.

“(4) Work-charge gi thoumising khannabagidamak DPC asi chahi amada anirak famgani, samna hairabada karigumba January ga July gada unare hairabadi, darkar oiba thabak sing pangthoklaba matungda ayaba pibagi yathang asi tha taruk kannaraga laothokkani.”

[9] Anouba Office Memorandum gi matung inna, thabaktagi potharaba matung da natraga thoumi adu leikhidraba matungda hanagi maong yenglaga ayaba piroi haiba warol yaori hainasu Learned Govt. Advocate na, thamkhi. Work-charge gi thoumee kharagi thou adu thabaktagi potharaba matungda amasung leikhidraba matungda Government na ayaba piriba adudi tarikh 28-8-2007 da thokhiba anouba Office Memorandum adu thoktringei mamangdani haiba wafamsu thamlakli amasung petitioner gi mapuroibagi work-charge gi thabak asi tarikh 28-8-2007 da thokhiba anouba Office Memorandum thoktringei mamangda ayaba pikhiba nattabanina, petitioner na mannaba case ni haina thanggatlakliba warol asi yumfam yaodabani amasung sougatpa yadaba wafamni; maramdi tarikh 28-8-2007 da thokhiba anouba Office Memorandum na mayek sengna hairi madudi, thabaktagi potharaba matungda amasung thoumi adu leikhidraba matungda hanagi thabak adu yenglaga ayaba piba yade haina mayek sengna hairi. Maram aduna, chathariba writ petition asi yumfam yaode amasung kakthatfam thok-e haina learned GA na thamkhi.

[10] Maikei animakki mihut oiriba learned counsel singgi yetnariba wafam sing tare amasung fangliba khudam-changdamsing munna yengduna neinare. Chathariba case asigi oina, petitioner gi mapuroiba asi atoppa meei 29 ga loinana work-charge da Khalasi oina Manipur Sarkar gi Minor Irrigation Department da tarikh 01-12-1989 da thokhiba order amagi matung inna khankhi amasung mahakna khalasi oina thou puringei matamda, tarikh 24-02-2003 da leikhidabani. Mahakna leikhidaba matamduda, petitioner gi mapuroiba na chahi 13 henna work-charge gi thoumee oina thou purambana maram oiraga, work-charge gi service asi tarikh 22-01-2001 da thokhiba Office Memorandum gi matung inna mahakki oinadi ayaba pibada matik chai amasung fangfam thok e. Atoppa work-charge gi thoumising, petitioner gi

mapuroibaga punna numit amattada thabak khanminnakhiba amasung petitioner gi mapuroibagi case asiga mannaba fibamda leirambasing, thabaktagi potharaba matung ntraga masa leikhidraba matungda ayaba fangduna order kya ama thoktuna amasung leiriba masingdagi ahenba post faoba semkhi haiba wafam asisu respondentsingna yajakhi.

[11] Mathakta pankhribasing asi yenglaga, Court asina petitioner gi mapuroibagi case asisu khetnaba mityengna yengnabagi maram leite amasung chathariba writ petition asida petitionerna fangfam thok e hairiba potlamsing asisu fangbagi hak leite.

[12] Petitioner na thangatlakpa, chathariba case asida yaningde haina respondentna fongdorakpa amakhakti, tarikh 28-08-2007 da thokhiba anouba Office Memorandum gi matung inna work-charge gi thoumi da hanagi mathou toubu adu yenglaga thabaktagi potharaba matung da natraga leikhidraba matungda ayaba pibada athingba leiba maramna, amadi petitioner gi mapuroiba asi mahakki work-charge gi thabak adu ayaba pidringeida tarikh 24-02-2003 da leikhidaba oibana, chathariba writ petition asida petitioner na thangatlakliba wafam asi ayaba piba yaroi haiba asini.

[13] Masiga mari leinana, tarikh 28-08-2007 da thokhiba anouba Office Memorandum na work-charge gi thoumi da hanagi yenglaga thabaktagi potharaba matung natraga leikhidraba matungda ayaba pibada athingba thammi haibasi takli, amasung hairiba asi Memorandum asi thokpa numit adudagi chatnaba houwwi, amasung masigi matung inna provision amatta mathou toubu yade. Adugisu mathakta, mathakta pankhriba tarikh 22-01-2001 da thokhiba Office Memorandum asigi matung inna, petitioner na mahakki leikhidraba mapuroibagi work-charge gi thabak adu ayaba pigadabani haina taksilliba asi, maru oina Memorandum asibu kakthatkhiba ntraga mahut sinkhiba houjik faoba leitri. Asina maram oiraga, petitioner gi mapuroiba na mathakta pankhriba Memorandum asigi matung inna, maru oina petitioner gi mapuroibana hinglingeida respondent na mahakki thabak adu ayaba pinaba ntraga tarikh 28-08-2007 da thokhiba anouba Office Memorandum adu thoktringei mamangda khannabikhidabana, petitioner gi mapuroibana hanagi Office Memorandum gi matung inna fangfam thokpa kanabasing adu Respondent na piroi haiba yaroi haiba wafam Court asina khannakhi. Samna hairabada respondent gi maral na maram oiraga, petitioner natraga petitioner gi mapuroibabu awafamda tahanba yaroi.

[14] Mathakta pankhriba asi yenglaga, Court asina, atoppa work-charge gi thoumising thabaktagi potharaba matungda natraga leikhidraba matungda hanagi tarikh 22-01-2001 da thokhiba Office Memorandum gi matung inna hanagi thabaksing yenglaba matungda ayaba pikhiba case sing adudagi Court asina petitioner gi

mapuroibagi case asisu tonganba mityengna yengnabagi maram leite, maram asina, chathariba writ petition asida petitioner na pibinaba haijariba mateng asi, maru oina mathakta pankhriba maramsing asigi matung inna respondent na piroi haina leplibasi maram chade amasung achan-mirai naiba mawongni, asum touna, petitioner asina chathariba writ petition asida nijariba mateng asi fangfam thok e haina Court asina mityeng thamle. Waroisin oina, petitioner gi mapuroiba gi case asibu respondent na tarikh 22-01-2001 da thokhiba Office Memorandum gi matung inna mahakki work-charge gi thabak asibu ayaba pinabagidamak khanna-neinou amasung houjik piriba yathang asigi order fangba numittudagi tha 2 gi manungda darkar leiba order adu thokkadabani haiba yathang piraduna writ petition asi ayaba pire.

[15] Terminal Benefit Rules gi matung inna petitioner na fangfam thokpa thabaktagi potharaba matungda fangba kannabasing amasung emung-manungna fangba pension adu pibiyu haina petitioner na haijarakliba asisu Respondent singna ngasidagi houraga tha mari(4) gi manungda yaribamakhei thuna pithoknaba yathang asi pire .

[16] Mathakta haikhriba yathang asi piraduna, chathariba writ petition asi loisille. Case asigi machaksing amadi fibam ma-ong matousing asi yenglaga, case soknaribasingna masa masagi achangba sel khudingmak puthokchagadabani.

JUDGE

Dhakeshori

FR/NFR