

**IN THE HIGH COURT OF MANIPUR  
AT IMPHAL**

**W.P(C) No.1013 of 2018**

Miss Ranjana Manohermayum

....Petitioner

-Versus-

State of Manipur

....Respondents

BEFORE

**HON'BLE MR. JUSTICE LANUSUNGKUM JAMIR**

**Order**

30.04.2019

Heard Mr. HS. Paonam, learned senior counsel appearing for the petitioner. Also heard Mr. Napoleon, learned G.A. appearing on behalf of the respondent Nos. 1, 2 & 3 and Mr. S. Suresh, learned ASG appearing for the respondent No. 4.

**[2]** The petitioner was initially appointed as Child Development Project Officer by an Order dated 02.02.1991. The petitioner was promoted to the post of Programme Officer (ICDS) in the Social Welfare Department, Manipur by Order dated 03.01.2000. By an Order dated 24.01.2005, the petitioner was transferred to the State Cell and also allowed to look after the work of Churachandpur District as Programme Officer. Thereafter, by an Order dated 27.12.2005 the respondents declared the Programme Officer, State ICDS Cell as

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Drawing Disbursing Officer and Head of Office in respect of the Directorate of Social Welfare Manipur with immediate effect.

**[3]** By an Order dated 25.06.2016, the petitioner was allowed to retire from service on attaining the age of superannuation w.e.f. 31.03.2016 (AN). In the Order dated 25.06.2016, a rider was added stating that the payment of gratuity will be subject to the completion of Vigilance case No. 1/SP-V/2014 and No. 1/SP-V/2015 pending against the petitioner. On retirement, the petitioner was allowed to engage the Un-utilized Earned Leave salary for 300 days due to the petitioner. However, till date the gratuity and pension are yet to be paid to the petitioner.

**[4]** After the retirement of the petitioner, the Director, Social Welfare Department, Manipur wrote a letter dated 25.07.2017 addressed to the Director (Vigilance), Government of Manipur, on the subject of Integrity Certificate by seeking clarification from the Vigilance Department with regard to letter dated 10.10.2016 issued by the Vigilance Department with regard to the Integrity Certificate/ Vigilance Clearance wherein it is stated that no Vigilance Case is pending against the petitioner. A request was also made to issue closure details of the Vigilance Case No. 1/SP-V/2014 and No. 1/SP-V/2015. Thereafter, by a Communication dated 26.09.2017 addressed to the Director, Social Welfare Department, Manipur the Director of Vigilance, Manipur clarified the matter. The letter dated 26.09.2017 reads as under:

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"No. 6/6/2015-DV(Pt-1) – 213  
GOVERNMENT OF MANIPUR  
STATE VIGILANCE COMMISSION  
DIRECTORATE OF VIGILANCE & ANTI-CORRUPTION:MANIPUR.

.....  
Imphal, the 26 September, 2017.

To,  
The Director (Social Welfare)  
Manipur  
Subject: "Integrity Certificate" – Vigilance Clearance thereof.

Madam,

In inviting a reference to your letter No. 1/20/2013-SW(G) Pt of dated 25.07.2017 on the above subject, it is to intimate that the State Vigilance Commission, Government of Manipur had recommended the Administrative Department, Social Welfare, Government of Manipur for the following action:

(i) placing the enquiry report before the "High Powered Committee" for recovery of money to the tune of Rs. 90,67,371/- in connection with Vigilance enquiry No. 1/SP-V/2014 vide No. 1/SP-V/2014/703 dated 02.12.2015 (copy enclosed);

(ii) institution of SPECIAL AUDIT to look into the step by step outflow of Rs. 1.21 crore meant for old age Pension Fund for the Financial year 2011-12 in connection with Vigilance enquiry No. 1/SP-V/2014 vide No. 1/SP-V/2014/336 dated 30.09.2016 (copy enclosed) and

(iii) institution of SPECIAL AUDIT to find out the utilization of Rs. 11.38 lakh meant for setting up of the State Resource Centre for women (SRCW), Manipur in connection with Vigilance enquiry No. 1/SP-V/2015 vide No. 1/SP-V/2015/321 dated 30.09.2016 (copy enclosed).

In the meantime, this Commission had issued the Vigilance Clearance Certificate in respect of Kn. Ranjana Monohermayum, Programme Officer, State ICDS Cell, Social Welfare, Manipur vide No. 6/6/2015-DV(pt-1)-227A dated 10.10.2016 as no charges could be framed against her in the above mentioned Vigilance Cases and no case was pending against her.

However, the Administrative Department would be in a position to fix responsibilities against any official/officials of Social Welfare, Manipur on the basis of the said audit reports as recommended by this Commission accordingly."

[5] Despite clearance given by the Vigilance Commission the petitioner was not paid his Gratuity and pensionary benefits and

therefore, the petitioner is before this Court by way of the present writ petition praying for a direction to the respondents for releasing the retirement benefits.

[6] The respondent Nos. 1 & 2 has filed counter affidavit. In the counter affidavit, it is stated that there is a Vigilance Case taken up by the Superintendant of Police, Vigilance and Anti-Corruption Department, Government of Manipur to probe the alleged misuse of funds and that there is no clarification of closure/disposal of Vigilance Case No. 35/PE/SP-V AC/2018 from the Superintendent of Police, Vigilance & Anti-Corruption Department till date.

It is also stated that as regards the Vigilance Case No. 1/SP-V/2014, there is a recommendation in the minutes of High Powered Committee meeting which held its meeting on 05.11.2018, recommending that the Vigilance Department shall enquire afresh into the matter regarding non-disbursement of Manipur Old Aged Pension in the year 2011-12, and submit a report to the Chairman, High Powered Committee within one month. It is the case of the respondent Nos. 1 & 2 that Case No. 35/PE/SP-V & AC/2018 is being inquired by the Vigilance Department with regard to non-disbursement of Manipur Old Aged Pension in the year 2011-12 as recommended by the High Powered Committee and therefore, the retirement benefit has not been paid to the petitioner.

**[5]**

**[7]** The respondent No. 3 has filed an affidavit on 05.02.2019, wherein at paragraph 4, it is stated that the State Vigilance Commission has issued Vigilance Clearance Certificate in respect of the petitioner by letter dated 10.10.2016 as no charge could be framed against the petitioner in the Vigilance Cases No. 1/SP-V/2014 and No. 1/SP-V/2015, and that no case was pending against the petitioner. Another additional affidavit dated 30.04.2019 has also been filed by the respondent No. 3, wherein it is stated that after the Vigilance Clearance Certificate in respect of the petitioner was issued on 10.10.2016, the High Powered Committee during its meeting held on 05.11.2018 had directed the State Vigilance Department to inquire afresh into the matter regarding non-disbursement of Manipur Old Aged Pension for the year 2011-12. Accordingly, a fresh Vigilance Case No. 35/PE/SP-V & AC/ 2018 was registered on 24.12.2018 and the inquiry is in progress.

**[8]** Mr. Suresh, learned ASG appearing on behalf of the Accountant General, Manipur submits that the Office of the Accountant General can act only after the State Government furnishes the Pension Papers and till such time, no action can be taken by the respondent No. 4.

**[9]** I have heard the learned counsel appearing for both the parties.

**[10]** At the outset, it is important to note that the Retirement Order dated 25.06.2016 specifically mentions that the payment of Gratuity may be subject to completion of Vigilance Case No. No. 1/SP-V/2014 and No. 1/SP-V/2015. In so far as the aforesaid two cases pending against the petitioner is concerned, the Vigilance Commission has given its clearance by its letter dated 10.10.2016, wherein it is indicated that no charge could be framed against the petitioner and that there are no Vigilance Case pending against the petitioner. It is also important to note that by the same letter dated 10.10.2016, the Vigilance Commission issued the Vigilance Clearance Certificate in respect of the petitioner.

**[11]** Another important point of note is that after the Vigilance Commission gave its clearance with regard to the aforesaid two cases on 10.10.2016, the High Powered Committee held its meeting only on 05.11.2018 whereby it directed the State Vigilance Department to enquire afresh into the matter regarding non-disbursement of Manipur Old Age Pension in the year 2011-12. The direction of the High Powered Committee to the Vigilance Department was to submit its report to the Chairman of the High Powered Committee within one month. The said period of one month has already lapsed and there is no indication before this Court whether the Vigilance Commission has requested the High Power Committee for extension of time beyond the prescribed period of one month. There is also no indication in the

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affidavit filed by the respondent Nos. 1 & 2 as regards the action taken by respondents from the period 10.10.2016 i.e. the date of Vigilance Clearance in respect of the petitioner till 05.11.2018 i.e. the date of sitting of the High Powered Committee.

[12] It is trite that a Government Order/Notification will have to stand on the basis of the said Order/ Notification and the same cannot be improved by way of filing affidavit. In the present case in hand, the Retirement Order dated 25.06.2016 clearly indicates that payment of Gratuity will be subject to completion of Vigilance Case No. 1/SP-V/2014 and No. 1/SP-V/2015. As regards the two cases, the Vigilance Commission has already given its clearance on 10.10.2016 and therefore, in the considered opinion of this Court, there was no impediment on the part of the State respondents to clear the gratuity as well as pay the pensionary benefits to the petitioner. Subsequent events cannot be taken as a ground for withholding the Gratuity and pensionary benefits of the petitioner.

[13] In that view of the matter, the respondent Nos. 1 & 2 are directed to forthwith take immediate steps for finalizing the Pension Papers of the petitioner and thereafter, pay the Gratuity and pensionary benefits within a period of 3 (three) months from the date of receipt of a copy of the Order of this Court. The respondent No. 4 shall also take all positive steps to ensure that the pension and gratuity are paid to the

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petitioner within one month from the date of receipt of the Pension Papers from the State Government.

Writ petition is accordingly allowed. No cost.

**JUDGE**

*joshua*