

Serial No.32
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C). No. 36 of 2023

Date of Order :26.06.2023

Smti. Benash R. Marak

Vs.

State of Meghalaya & Ors.

Coram:

Hon'ble Mr. Justice H.S.Thangkhiew, Judge.

Appearance:

For the Petitioner/Appellant(s) : Mr. P.T.Sangma, Adv.

For the Respondent(s) : Ms. S.Bhattacharjee, GA for r 1-3.
Ms. E.B.Passah, Adv. vice
Mr. K.Kharmawphlang, Adv. for R 4.

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|-----|---|--------|
| i) | Whether approved for reporting in Law journals etc: | Yes/No |
| ii) | Whether approved for publication in press: | Yes/No |

ORAL

1. The petitioner who is stated to be the wife of the deceased employee who superannuated on 31-03-2017, is before this Court being aggrieved with the non-release of family pension and other service benefits of the deceased employee, namely, one Shri. Pripson T. Sangma.
2. The only issue as per the submissions of the learned counsel for the parties appears to be the uncertainty about the Date of Birth of the

deceased husband of the writ petitioner. It appears that the retirement of the deceased husband of the petitioner in the year 2017 was on the assumption that he was born in the year 1959, but however, on production of an Admit Card, it was revealed that the Date of Birth was in fact in the year 1957, and as such the deceased husband of the writ petitioner had overstayed in his post by over 2 years.

3. Due to this confusion, on examination of the materials placed on record show that there was various communications back and forth between the respondent Nos. 2, 3 and 4, which caused further delay.

4. Finally, by a Corrigendum dated 4th May, 2021, the date of superannuation of the deceased husband of the writ petitioner was finally finalized to be as 31-12-2015. Copy of the Corrigendum is reproduced herein below:

**OFFICE OF THE DIRECTOR OF SCHOOL EDUCATION &
LITERACY
MEGHALAYA :::::SHILLONG**

CORRIGENDUM

In partial modification on this office Order Memo. No. DSEL/SEC-G/Misc-11/2011/246, Dated 23rd July, 2018, the date of attaining the age of Superannuation of 58 (fifty eight) years of Shri. Pripson T. Sangma, Assistant Teacher, United Kharkutta Govt. Higher Secondary School, according to his Admit Card is 31-12-2015. Therefore, he is deemed to have retired from Govt. Service w.e.f, the above date.

Sd/-
Director of School Education & Literacy
Meghalaya, Shillong.

Memo. No. DSEL/SEC-G/Misc-11/2011/2(A) Dated Shillong
the 4th May 2021.

Copy to:-

1. The Accountant General (A&E), Meghalaya, Shillong.
2. The Treasury Officer, Resubelpara, North Garo Hills District.
3. The District School Education Officer, Resubelpara.
4. The Principal, United Kharkutta Govt. Higher Secondary School.
5. Shri. Pripson T.Sangma, Assistant Teacher, United Kharkutta Govt. Higher Secondary School, North Garo Hills.
6. OFFICE ORDER BOOK.

Sd/-

Director of School Education & Literacy
Meghalaya, Shillong.

5. It is also noted that as far back as on 04-04-2018, the Principal of the School had clarified the Date of Birth and had enclosed all relevant documents with regard to the service of the deceased employee which included copy of Statement of fixation of pay, Service Book, Appointment Order, Joining Report and copy of the Order of regularization dated 5th May, 2000.

6. Though the information needed seemed to have been finalized by the respondents concerned, it had been submitted that the subsequent delay in releasing the terminal benefits was due of the pendency of the instant writ petition.

7. In this view of the matter and the discussions and observation as made above, this writ petition is disposed of with a direction to the

respondents concerned, especially respondent No. 4 to process the entitlements of the writ petitioner as to the terminal benefits of her deceased husband, within a period of six weeks from the date a copy of this order is presented before them.

8. Further, the statement made in paragraph 21 of the affidavit-in opposition of respondent Nos. 1-3 may also be taken note of, while settling the dues and fixation of the family pension.

Meghalaya
26.06.2023
"Samantha PS"

Judge

