

Serial No. 28
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 295 of 2021

Date of Decision: 10.03.2023

Smti Habilaiahunlang Marwein Vs. State of Meghalaya & Ors.

Coram:

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

Appearance:

For the Petitioner(s) : Mr. R.S. Malngiang, Adv.

For the Respondent(s) : Ms. R. Colney, GA (For R 1-3)
Mr. L.J.L. Nongpiur, Adv. (For R 4&5)

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

JUDGMENT AND ORDER (ORAL)

1. The petitioner before this Court is the daughter of (L) Wiikertis Diengdoh, who was serving as an Assistant Teacher at Lyngngam Presbyterian Secondary School, Mawthengkut, West Khasi Hills District, Meghalaya. The School presently is stated to be under the Deficit Scheme, as such on retirement, the employees are entitled to DCRG.

2. The grievances of the writ petitioner after the death of the deceased employee, who retired on 01.03.2002 as submitted by Mr. R.S. Malngiang, learned counsel is that, he was denied the payment of gratuity and other terminal benefits, which is payable under The Meghalaya Aided School Employees (Death-cum- Retirement Gratuity) Rules, 1985.

3. From the affidavit that has been filed by the respondent No. 4 and 5 at Annexure-5, it is noted that as far back as in 14.09.2017 a proposal for sanction of Retirement Gratuity of the deceased employee i.e. (L) Wiiokertis Diengdoh had been processed by the District School Education Officer, West Khasi Hills and the amount had been arrived at. However, it appears thereafter on the uncertainty about the Date of Birth, as also the date of superannuation, the entire process became derailed, and his Service Book could not be completed for onward submission.

4. The affidavit of the State respondents also reflected this position, where in a letter dated 16.09.2022 it is noted that, as the School was not in a position to correct the Service Book due to the pending case, the non-settlement of the Date of Birth prevented the State respondents from computing and sanctioning the retirement benefits. In this backdrop, it is noted that the entire matter could not be settled only due to the non-fixation of the Date of Birth.

5. To this, Mr. L.J.L. Nongpiur, learned counsel for the respondent No. 4 and 5, has drawn the attention of this Court to the letter dated 25.10.2022, whereby the respondent No. 4 (Secretary, Managing Committee) has clarified and submitted to the respondent No. 3 (District School Education Officer, West Khasi Hills), the correct Date of Birth of the deceased employee.

6. Ms. R. Colney, learned counsel for the for State respondents also concedes to this submission and submits that since the Date of Birth has been fixed, there should be no impediment for fixation and sanction of the retirement benefits of the deceased employee, and for releasing to the rightful legal heirs/successors.

7. In view of the facts and circumstances as stated above, this writ petition is disposed of with directions that the State respondents to process the entire matter, for sanction of the retirement benefits of the deceased employee within a period of 3(three) months from the date of this order, and thereafter to release the same to the rightful heirs, on production of documents, showing succession.

8. With the above directions, this writ petition stands closed and is accordingly disposed of.

JUDGE

Meghalaya
10.03.2023
"V. Lyndem-PS"