

Serial No.06
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C). No. 428 of 2022

Date of Order :22.03.2023

Smti. Litrias Dkhar

Vs.

State of Meghalaya & Ors.

Coram:

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

Appearance:

For the Petitioner/Appellant(s) : Mr. C.C.T.Sangma, Adv. vice
Mr. T.T.Diengdoh, Sr. Adv.

For the Respondent(s) : Mr. K.P.Bhattacharjee, GA for R 1-3, 5&6.
Ms. E.B.Passah, Adv. vice
Mr. K.Kharmawphlang, Adv. for R 4.

- 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 retired as UDA on 31-12-2018, from the office of the Public Works Department (Roads), North Division, Shillong, is before this Court praying for release of her pensionary benefits, which till date has not been released.

2. Mr. C.C.T.Sangma, learned counsel for the petitioner, submits that the inordinate delay in the settlement of pension has caused severe hardship to the petitioner. He prays that appropriate orders be passed by this Court.

3. Mr. K.P.Bhattacharjee, learned GA for respondent Nos. 1-3, 5 & 6, has submitted on instructions that the service of the petitioner was regularized on 23-06-2022, but the problem in finalizing her pension is because of the fact that her service was changed from Tracer to LDA, which is not as per the rules. He further submits that as the change in cadre was not in accordance with the rules, the promotion granted to her on 10-12-2012, is not valid till the same receives the approval of the Personnel Department. The delay therefore, he submits in finalizing the pensionary benefits of the writ petitioner is that her service book has to be streamlined and put in order so that the same can be processed before sending it to the Government for onward transmission to the respondent No. 4.

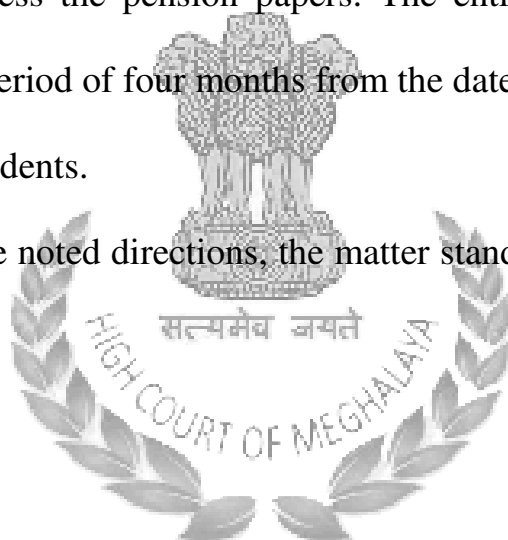
4. Ms. E.B.Passah, learned counsel vice Mr. K.Kharmawphlang, learned counsel, present on behalf of respondent No. 4 submits that the pension papers are yet to be received, and as such, respondent No. 4 cannot be held culpable for any delay in the release of the pensionary benefits of the petitioner.

5. I have heard learned counsel for the parties. From the materials on record, it appears that notwithstanding the entry of service of the writ petitioner as Tracer, the writ petitioner was brought into the regular cadre against a

sanctioned post as LDA, which was thereafter confirmed by the respondents. The writ petitioner was then granted promotion to the post of UDA, from where she retired.

6. The matter in issue being short and limited to this point only, and the reason given for the delay by the respondents is that her service book has to be streamlined, the respondents are therefore directed to consider the case of the petitioner and streamline her service by obtaining the requisite approvals to enable them to process the pension papers. The entire exercise should be completed within a period of four months from the date the copy of this order is given to the respondents.

7. With the above noted directions, the matter stands closed and disposed of.



Judge

Meghalaya
22.03.2023
"Samantha PS"