



**Serial No.30**  
**Regular List**

**HIGH COURT OF MEGHALAYA**  
**AT SHILLONG**

WP(C). No. 52 of 2024

Date of Decision : 19.09.2024

Shri. Spurgeon R. Lyngkhoi.

...Petitioner

-Versus-

1. The State of Meghalaya,  
Represented by  
The Commissioner and Secretary  
Department of Home Affairs Secretariat building,  
Shillong- 793001, Meghalaya.
2. The Superintendent of Police (MPRO)  
Shillong – 793001,  
East Khasi Hills District.
3. The Sr. Accounts Officer of the  
Accountant General I/C-Pension (A&E)  
Shillong, Meghalaya.

...Respondents

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**Coram:**

**Hon'ble Mr. Justice H.S.Thangkhiew, Chief Justice (Acting)**

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**Appearance:**

For the Petitioner/Applicant(s) : Mr. N.I.Choudhury, Adv.  
 Mr. Md. I.A. Mansuri,  
 Ms. M.Haldar, Adv.

For the Respondent(s) : Mr. S.A.Shiekh, GA for R 1 & 2.  
 Ms. E.B.Passah, Adv. for R 3.

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|-----|-----------------------------------------------------|--------|
| i)  | Whether approved for reporting in Law journals etc: | Yes/No |
| ii) | Whether approved for publication in press:_         | Yes/No |
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**JUDGMENT AND ORDER (ORAL)**

1. The writ petitioner is before this Court praying for inclusion of the name of his second wife and children in his pension payment order.
2. The brief facts are that the petitioner had retired on 01-09-2004 and after the demise of his first wife, had remarried one Smti. Surula Bormon on 04-11-2010. The grievance is that the respondents, inspite of his application for deletion of the name of his Late first wife and inclusion of the names of his second wife and children, had rejected the same.
3. Mr. N.I.Choudhury, learned counsel for the petitioner submits that by operation of law itself i.e. the amendment to the Meghalaya Civil Service (Pension) (Fifth Amendment) Rules, 2010, post retiral spouses/ children born after retirement are entitled to be included. Learned counsel has further placed a decision of this Court rendered on 02-05-2024, passed in WP(C). No. 161 of 2023, which he submits covers the case of the petitioner also. He therefore, prays that a mandamus be issued to the respondents as per the prayer in the writ petition.



4. Mr. S.A.Sheikh, learned GA appearing for the respondents No. 1 and 2 has fairly submitted that the facts of the present case are similar to WP(C). No. 161 of 2023 and in view of the decision of this Court and also the Hon'ble Supreme Court in similar matters, the petitioner will naturally be entitled to the benefits as prayed in the writ petition.

5. Ms. E.B.Passah, learned counsel for the respondent No. 3 submits that whatever orders are passed by this Court, the same will be implemented as far as the respondent No. 3 is concerned.

6. Having heard the learned counsel for the parties and as the aforestated facts are not in dispute, the case of the petitioner stands covered by the judgment rendered in WP(C). No. 161 of 2023. Without elaborating on the same, it is directed that the respondents shall include the name of Smti. Surula Bormon and children namely, (1) Providential Kharmukai and (2) Redolent Kharmukai in the pension payment order of the writ petitioner.

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

**Chief Justice (Acting)**