

HIGH COURT OF MEGHALAYA
AT SHILLONG

WA No. 12 of 2024 with
WA No. 14 of 2024

Date of order: 09.04.2024

In WA No. 12 of 2024

1. Juban TS Thongni
2. Nestingdar Nongdkhar
3. Srally Rashir

...Appellants

In WA No. 14 of 2024

1. James B. Basaiawmoit
 2. Jansing Tynsong
 3. Morningstar Mawsor
 4. Neil A War
 5. Telinia S. Thangkhiew
 6. Donevan Wanlang
 7. James Sylliang
 8. Manstudy Nongrem
 9. Otril Pamshong
 10. Artist Ranee
 11. Fabian Lyngdoh
 12. L. Goodleaderson Nongsiej
 13. Hadrian Lyngdoh
 14. Martamlin Pyrbot
 15. Enbin K. Raswai
 16. Fieldmarshal Mawphniang
 17. Cleophas B Syiem
 18. Rona Khyndeit
 19. Arbinus Lyngdoh
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20. Harding L Massar

21. William Mynsong

22. Donkumar Sumer

.....Appellants

Vs.

1. Khasi Hills Autonomous District Council
represented by its Secretary, Shillong, East Khasi Hills,
Meghalaya.

2. The Executive Committee,
Khasi Hills Autonomous District Council,
Shillong, East Khasi Hills, Meghalaya.

3. The Chief Executive Member,
Khasi Hills Autonomous District Council,
Shillong, East Khasi Hills, Meghalaya.

4. The Executive Member,
In-charge of Finance Department,
Khasi Hills Autonomous District Council,
Shillong, East Khasi Hills, Meghalaya.

.....Respondents

Coram:

Hon'ble Mr. Justice S. Vaidyanathan, Chief Justice

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Appellants : Mr. S. Thapa, Adv. with
Ms. B.F. Kharwanlang, Adv.

For the Respondents : None

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

(Made by Hon'ble, the Chief Justice)

The present Writ Appeals have been filed challenging the orders dated 06.02.2024 passed in WP(C) No. 458 of 2022 and dated 23.02.2024 passed in WP (C) No.370 of 2023.

2. The main grievance of the Writ Petitioners before the learned Single Judge was that the outstanding amounts of the retired Ex-MDCs have not been paid. Even though a statement was made by the learned counsel appearing for the respondents-KHADC that the KHADC has commenced the payment, an objection was made by the learned counsel appearing for the Appellants/Writ Petitioners stating that only paltry sum has been paid and the actual amount due has not been given. Learned counsel appearing for the Appellants/Writ Petitioners prayed before the learned Single Judge that the matter may be kept pending so as to ascertain the commitment made by the learned counsel for respondents-KHADC which was not taken note of. The learned Single Judge disposed of the writ petition with liberty to the writ petitioners to initiate fresh proceedings in the event that the commitment is not honoured.

3. When this Court posed a question to the learned counsel for the appellants as to the amount of pension payable to the retired Ex-

MDCs has been pleaded or an averment has been made in the pleadings before the learned Single Judge to which the learned counsel fairly submitted that it has not been stated. He reiterated that small sum has been paid as pension and substantial amount including arrears have been deprived.

4. This Bench cannot conduct a roving enquiry and compute the amount payable to the retired Ex-MDCs. For the purpose of determination of the amount, if any payable, the Appellants/Writ Petitioners will have to approach the District Council or such other authority for redressal. In case a commitment has not been honoured, it will be open to the Appellants/Writ Petitioners to take appropriate steps in accordance with law and the appeal before this Court cannot be entertained.

5. We are of the view that no relief can be granted to the Appellants and the Writ Appeals are closed by giving liberty to the Appellants/Writ Petitioners to approach the District Council or such other authority for the purpose of determination of the amount including the arrears, if any, payable to the retired Ex-MDCs. In case any request is made to the District Council or the Authority stated supra it is expected to take a decision on the matter as expeditiously as possible within a period of four months from the date of receipt of this order.

6. WA No. 12 of 2024 and WA No. 14 of 2024 stand disposed of.

(W. Diengdoh)
Judge

(S. Vaidyanathan)
Chief Justice

Meghalaya
09.04.2024
"Sylvana PS"