

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP (C) No. 95 of 2024

Date of Decision: 10.04.2024

1. Najmina Begum, age about 37 years,
W/o (L) Hazarat Ali,
R/o Sonapur, P.O. Mugdi,
P.S. Mukalmua, Dist-Nalbari,
Assam.
2. Nur Hoque Ali, aged above 12 years
S/o (L) Hazarat Ali,
R/o Sonapur, P.O. Mugdi,
P.S. Mukalmua, Dist-Nalbari,
Assam.
3. Hasmi Jannat, age about 10 years,
W/o (L) Hazarat Ali,
R/o Sonapur, P.O. Mugdi,
P.S. Mukalmua, Dist-Nalbari,
Assam.

.... Petitioner(s)

Vs.

1. The State of Meghalaya,
Represented by the Department of Power, Shillong
Govt. of Meghalaya, Shillong
2. The Chairman, Cum Managing Director, MeECL
Lumjingshai, Shillong.
3. The Chief Engineer (Dist.) MeECL,
Lumjingshai, Shillong.
4. The Executive Engineer, MePDCL, Byrnihat,
Byrnihat (Dist.) Division, District Ri-Bhoi,
Meghalaya, Pin 793101.
5. The Chief Accounts Officer, MeECL,
Lumjingshai, Shillong.
6. Ms. Norinda Songthiang,
D/o (L) Thak Dkhar,
Vill-Jongksha, P.O. Madanriting,
Dist-East Khasi Hills, Meghalaya.

.... Respondent(s)

Coram:

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

Appearance:

For the Petitioner(s) : Mr. S.A. Sheikh, Adv.

For the Respondent(s) : Mr. A.H. Kharwanlang, Add. Sr. GA
Mr. J.N. Rynjah, GA (For R 1)
Ms. R. Colney, Adv. (For R 2-6)

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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

1. The petitioner No. 1 is before this Court with a prayer that 50% of the family pension be granted to her, and to her minor children.

2. The brief facts of the case is that the petitioner's husband one (L) Hazarat Ali, who was serving under the respondent Corporation was married to the petitioner, who is stated to be the second wife. In an earlier round of litigation, the petitioner had approached this Court by way of WP(C) No. 208 of 2017, and by order dated 23.07.2019, the writ petitioner, in view of certain

question of facts involved, was allowed to withdraw the writ petition with liberty granted to approach the Civil Court.

3. Mr. S.A. Sheikh, learned counsel for the petitioners submits that pursuant to the withdrawal of the writ petition, the petitioner had approached the competent Civil Court, wherein the Suit was decreed in her favour with a declaration that she was the legally married wife of (L) Hazarat Ali, and that out of the said wedlock, two minor children were born. He therefore, prays that in view of the decree, the respondents be directed to allow 50% of the family pension to the petitioner.

4. Ms. R. Colney, learned counsel for the respondent Corporation in reply has drawn the attention of this Court to a representation dated 29.05.2023, filed by the petitioner before the respondent Corporation, claiming for 50% of the said family pension. She submits that in view of the decree of the Civil Court, the respondents may be allowed to examine the same and to pass orders on the representation, within a period of 8(eight) weeks.

5. Having heard the learned counsels for the parties, and in view of the concession made by the learned counsel for the respondent Corporation, this writ petition is disposed of with a direction that the representation dated 29.05.2023, which is annexed

at Annexure-8 to the writ petition, be taken up for disposal by the respondent Corporation. The same shall be completed within a period of 8(eight) weeks, from the date of receipt of a certified copy of this order.

6. With the above directions, this matter stands closed and is disposed of.

JUDGE

Meghalaya
10.04.2024
"V. Lyndem-PS"