



Serial No. 12
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 96 of 2024

Date of Decision: 12.06.2024

Smti Lemina K. Marak,
W/o (L) Nefarine K. Sangma,
R/o Lower Chitoktak,
P.O. Lower Chandmary, Tura
West Garo Hills District,
Meghalaya.

..... Petitioner(s)

- Versus -

1. The State of Meghalaya represented by its
Commissioner & Secretary,
Education Department, Government of
Meghalaya, Shillong
2. The Deputy Secretary to the
Government of Meghalaya,
Education Department, Shillong
3. The Director,
School Education & Literacy,
Shillong, Meghalaya.
4. The Inspector of Schools,
West Garo Hills, Tura
Meghalaya.
5. The Deputy Inspector of Schools,
Baghmara, South Garo Hills
District, Meghalaya.
6. The Sub-Divisional School,
Education Officer, Williamnagar,
East Garo Hills District,
Meghalaya.
7. The Accountant General (A&E), Shillong
East Khasi Hills District, Meghalaya

.... Respondent(s)



Coram:

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

Appearance:

For the Petitioner(s) : Mr. A.G. Momin, Adv. with
Ms. L.D. Sangma, Adv.

For the Respondent(s) : Mrs. T. Yangi B, AAG with
Ms. S. Bhattacharjee, GA (For R 1-6)
Ms. E.B. Passah, Adv. (For R 7)

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. This matter is similar with the other matters that had been brought before this Court, which is with regard to the entitlement and payment of pension to the Non-Teaching Staff of the District Council Schools, which has been taken-over by the Government under *The Meghalaya (Taking over of District Council Lower Primary Schools) Act, 1993*. In the earlier matters, it has been submitted by the learned counsel for the petitioner that the State respondents have given due



consideration and pension as per entitlement has since been released to the said petitioners.

2. A perusal of the affidavit filed by the State respondents in this case also reflects the same position, wherein at Para-14 it has been stated as follows:-

“14. That the humble deponent begs to state before the Hon’ble Court that the Answering Respondent acknowledged the receipt of the Representation dated 14.10.22 submitted by the petitioner and have been trying to resolve the issue regarding payment of pensionary benefits to the other non-teaching staffs along with husband of the petitioner which are lying for consideration with the concerned competent Government Authority and as such neither the answering Respondent nor the Sub-Divisional School Education Officer, East Garo Hills, Williamnagar are responsible for payment of pensionary benefits of the husband of the petitioner to the petitioner in the instant case and prays for reasonable time for consideration of the case by the competent Government Authority.”

3. Mr. A.G. Momin, learned counsel for the petitioner submits that as this case is similarly situated with the other matters that had come before this Court, the State respondents may be directed to expedite the process for consideration of family pension to the petitioner.

4. In view of the statement of the respondents as reproduced hereinabove, the matter is disposed of.



5. It is expected however, that the process for consideration to release the pension be completed within a period of 4(four) months, from the date a copy of this order is presented to the State respondents.

JUDGE

Meghalaya
12.06.2024
"V. Lyndem-PS"

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