

Serial No.21
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C). No. 121 of 2023

Date of Order :14.02.2024

Smti. Goyoni Marak

Vs.

Union of India & Ors.

Coram:

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

Appearance:

For the Petitioner/Applicant(s) : Mr. S.A.Shiekh, Adv.

For the Respondent(s) : Dr. N.Mozika, DSGI with
Ms. S.Rumthao, Adv. for R 1-3.
Mr. A.M.Pala, GA 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 brief facts of the case are that the writ petitioner who is stated to be the second wife of a retired BSF Head Constable, since deceased, has not been granted the family pension by the respondents, inspite of a claim that she is eligible. From the facts as placed, it appears that the pensioner,

one Sedindra Sangma had died on 23-08-2020, and that his first wife had predeceased him. It is submitted that in this view, the petitioner who as stated earlier is the second wife of the deceased pensioner, is entitled to the family pension.

2. It is further submitted by Mr. S.A.Shiekh, learned counsel for the petitioner that inspite of supplying all the required documents, the respondents have not processed or granted the family pension to the petitioner as claimed. He prays that appropriate direction be issued directing the respondents to process and release the claim of family pension to the petitioner.

3. Dr. N.Mozika, learned DSGI assisted by Ms. S.Rumthao, learned counsel on behalf of the respondent Nos. 1-3, has submitted that since the petitioner is claiming the family pension, the same can only be released if the death of the retiree and his first wife and the remarriage of the petitioner are proved. He submits that as no evidence has been provided showing the death of the first wife, the family pension at this stage cannot be released to the petitioner.

4. Having heard the learned counsel for the parties and perused the materials on record, it is seen that the writ petitioner has annexed the Certificate of Marriage, the Death Certificate of the deceased pensioner, as also the Epic Card wherein the name of the deceased pensioner is shown as

her husband. Further, other documents have also been annexed to the writ petition to support the claim.

5. It is further noted that though the claim seems bonafide, the absence of any documents showing the death of his first wife has resulted in the family pension not being granted to the writ petitioner. In this view of the matter, it would be in the interest of justice that the petitioner be directed to approach the competent court to obtain the Succession Certificate for the retirement benefits etc, including the family pension which is due. The respondents are directed to provide the information necessary with regard to the amount of family pension payable, to enable the petitioner to file the necessary application.

6. With the above direction, this writ petition stands closed and disposed of. It is expected that the respondents will supply all the details expeditiously.

Judge

Meghalaya
14.02.2024
"Samantha PS"