

Serial No.11-26
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 349 of 2022 with
WP(C) No. 426 of 2022
WP(C) No. 448 of 2022
WP(C). No.467 of 2022
WP(C) No. 487 of 2022
WP(C) No. 491 of 2022
WP(C) No. 504 of 2022
WP(C) No. 505 of 2022
WP(C) No. 506 of 2022
WP(C) No. 3 of 2023
WP(C) No. 47 of 2023
WP(C) No. 48 of 2023
WP(C) No. 49 of 2023
WP(C) No. 74 of 2023
WP(C) No. 154 of 2023
WP(C) No. 155 of 2023

Date of Order: 23.02.2024

Shri. Samson Kharmujai	Vs.	Meghalaya Energy Corporation Limited & Ors.
Shri. Hunlang Lyngdoh	Vs.	Meghalaya Energy Corporation Limited & Ors.
Shri. Buyerstar Massar	Vs.	Meghalaya Energy Corporation Limited & Ors.
Shri. Bostok Dhar	Vs.	Meghalaya Energy Corporation Limited & Ors.
Smti. Shimtimon Dkhar	Vs.	Meghalaya Energy Corporation Limited & Ors.
Shri. Evermore Massar	Vs.	Meghalaya Energy Corporation Limited & Ors.
Smti. Healthy Merry Kharbuli	Vs.	State of Meghalaya & Ors.

Smti. Vicali Zhimomi Khyriem	Vs. State of Meghalaya & Ors.
Shri. Joel Elphingstone Wahlang	Vs. State of Meghalaya & Ors.
Shri. Okram Gulapi Singh	Vs. State of Meghalaya & Ors.
Smti. Simplicity Lyngdoh	Vs. Meghalaya Energy Corporation Limited & Ors.
Smti. Memorable Kharduit	Vs. Meghalaya Energy Corporation Limited & Ors.
Smti. Anita Lyngdoh	Vs. Meghalaya Energy Corporation Limited & Ors.
Shri. S. Iohsngew Laso	Vs. State of Meghalaya & Ors.
Smti. Dwissiyo Wahlang	Vs. State of Meghalaya & Ors.
Smti. Clara Shallam	Vs. State of Meghalaya & Ors.

Coram:

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

Appearance:

WP(C). No. 349 of 2022

WP(C). No. 426 of 2022

WP(C). No. 448 of 2022

WP(C). No. 467 of 2022

WP(C). No. 491 of 2022

For the Petitioner(s) : Mr. N. Syngkon, Adv.

For the Respondent(s) : Ms. R. Colney, Adv.

Appearance:

WP(C) No. 487 of 2022

For the Petitioner(s): : Mr. M.L. Nongpiur, Adv.
Mr. J.Shylla, Adv.

For the Respondent(s) : Ms. R. Colney, Adv.

Appearance:

WP(C) No. 504 of 2022

WP(C) No. 505 of 2022

WP(C) No. 506 of 2022

WP(C) No. 154 of 2023

WP(C) No. 155 of 2023

For the Petitioner(s): Mr. R.Majaw, Adv. vice
Mr. S. Sen, Adv.

For the Respondent(s): Ms. Z.E. Nongkynrih, GA and
Mr. S. A. Sheikh, GA for R 1.
Ms. R. Colney, Adv. for R 2-9.

Appearance:

WP(C) No. 47 of 2023

WP(C) No. 48 of 2023

WP(C) No. 49 of 2023

For the Petitioner(s): Mr. C.C.T. Sangma, Adv. vice
Mr. T.T. Diengdoh, Sr. Adv.

For the Respondent(s) : Ms. R.Colney,Adv.

Appearance:

WP(C) No. 3 of 2023

For the Petitioner(s): Mr. S.Singphoo, Adv. vice
Mr. P. Yobin, Adv.

For the Respondent(s) : Ms. Z.E. Nongkynrih, GA and
Mr. S.A. Sheikh, GA for R 1.
Ms. R.Colney, Adv. for R 2 & 3.

Appearance:

WP(C) No. 74 of 2023

For the Petitioner(s): Ms. A. Synrem, Adv.

For the Respondent(s) : Ms. Z.E. Nongkynrih, GA and
Mr. S.A.Shiekh, GA for 1 & 2.
Ms. R.Colney, Adv. for R 3 & 4.

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

ORAL

1. This batch of writ petitions which are similar and on the same cause of action are being disposed of by this common order.

2. The grievance of the writ petitioners who are stated to be the employees of the Meghalaya Energy Corporation Limited is that, from the date of retirement and inspite of the fact that sanctions have been accorded for the amounts as permissible as DCRG and other retirement benefits, the same till date, is yet to be received. These petitioners who are all employees, it has been submitted, with the amounts being sanctioned and admitted by the respondents, the denial of the DCRG and other retirement benefits has caused them immense hardship and agony.

3. From the side of the respondent Corporation, the only reason that has been given is that the case is not one of denial of DCRG and other retirement benefits, but is due to various other reasons and factors which are not in the control of the respondent Corporation, and in order to strike a balance between running the operations and servicing of the liabilities of the petitioners, the amounts so due, have been unduly delayed.

4. It has been further stated by the respondent Corporation that a list of the retired employees is being maintained, and the terminal benefits in accordance with the priority and seniority of the petitioners, as per the date of retirement, is being released out of the available funds. It has however been submitted that 50% of the leave encashment benefit of the petitioners have since been released. It has also been brought on record that the outstanding liabilities of the retired employees, which includes leave encashment benefit and arrears, DCRG of pensioners and arrears, medical reimbursement and arrears on the revision of pension 2015 amounts to Rs. 199.04 crores.

5. A prayer is thus made that the respondent Corporation be given adequate time with an outer limit of two years to clear the entire dues of the persons mentioned in the list which have been filed in the affidavit, which contains about 648 names.

6. In the backdrop of these circumstances, it is noted that nothing

remains for adjudication before this Court with regard to the entitlements of the petitioners, inasmuch as, the same is admitted and has been duly sanctioned by the respondent Corporation. The only point in contention is the prayer that has been made by the respondent Corporation for granting them adequate time, against the prayer of the petitioners who are facing financial crisis for expediting the payments.

7. In this view of the matter therefore, this Court itself finds it difficult at this stage to prescribe any fixed time frame for payment of DCRG and other retirement benefits, but considering the condition of the petitioners and other similarly situated pensioners, it is directed that the respondent Corporation shall endeavor to clear the dues of the petitioners preferably within a period of one year from the date of this order. It is also provided that as and when financial condition permits, part payments may also be given to the petitioners to enable them to tide their financial difficulties.

8. With the above directions, these writ petitions stands closed and disposed of, however, with liberty allowing the petitioners to approach this Court on any other issues concerning the release of DCRG and other retirement benefits.

Judge

Meghalaya
23.02.2024
"Samantha PS"