

over the same by means of an Act which was brought into force on 2nd May 1994, known as the Meghalaya (Taking over of District Council Lower Primary Schools) Act, 1993. Under the said Act, Notifications were also issued with regard to the cut off years for the taking over of the lower primary education by the State Government.

3. The petitioner as per the submissions, had been serving for over 30 years in the said school, but no pension and other retiral benefits were accorded, in view of the fact that the State respondents by a proposal dated 3rd August, 2012 (Annexure-5 to the affidavit-in-opposition of the respondent No. 3), had provided that the Non-teaching Staff to be eligible for consideration for payment of pension benefits etc, were to have completed at least 5(five) years of qualifying service as on June, 1994.

4. The petitioner, as can be seen from the service roll and the statement wherein the names of the Non-teaching Staff are shown, entered service on 22nd November, 1990. As such, by operation of the policy of the State respondents for 5(five) years qualifying service, the petitioner falls short by 7(seven) months, which would otherwise have made him eligible.

5. Mr. P.T.Sangma, learned counsel for the petitioner submits that notwithstanding this impediment, the State respondents may be directed to consider the grant of pension benefits to the writ petitioner, inasmuch as, it

is not disputed that he had rendered over 30 years of service, having superannuated on 31st December, 2022.

6. Ms. S.Bhattacharjee, learned GA on behalf of the State respondents also fairly submits that it is left to the wisdom of the State respondents to decide the case of the petitioner.

7. Having considered the submissions and also on perusal of the materials, wherein it is admitted on affidavit that the petitioner has served for over 30 years, the denial of pension benefits for a shortfall of a few months would seem unjustified. In this view of the matter, notwithstanding the stipulation of qualifying service for 5 years, as the writ petitioner falls short by a few months, the State respondents are directed to consider the case of the petitioner sympathetically, and if pension benefits be granted, the same be not treated as a precedent. The process of consideration is to be completed within four months from the date of this order.

8. With the above noted directions, this writ petition is closed and stands disposed of.

Judge

Meghalaya
27.02.2024
"Samantha PS"