

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 187 of 2023

Date of Decision: 17.02.2025

Smti. Kumari Dom
W/o (L) Shri. Raju Dom
R/o Assam Rifles Bazar, Happy Valley,
Shillong, East Khasi Hills District, Meghalaya ::Petitioner

-V_S-

1.The Union of India through Secretary of
Ministry of Defense, New Delhi

2.The Commandant, Station Cell, Shillong
c/o 99 APO, Pin 908101

3.The Disbursing Officer, Station Cell,
Shillong c/o 99 APO ::Respondents

Coram:

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

Appearance:

For the Petitioner/Appellant(s) : Ms. D.F. Mawrie, Adv.

For the Respondent(s) : Mr. R. Debnath, CGC.



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. The writ petitioner who is stated to be the wife of the deceased employee (L) Shri. Raju Dom is before this Court with a prayer to direct the respondent No. 3 to furnish the details of the debts and securities of (L) Shri. Raju Dom, Ex-Safaiwala, Station Cell, Shillong and also for release of the terminal benefits.

2. It has been submitted by the learned counsel for the petitioner, Ms. D.F. Mawrie, that the writ petitioner had entered into a customary marriage with the deceased employee on 14.03.1996, and that the same was also approved by the customary authority in recognition thereof. However, she submits on his demise and on her representations, the respondents have refused to divulge details, on the ground that she was not the legally wedded wife of the deceased employee (L) Shri. Raju Dom. Learned counsel has also drawn the attention of this Court to 2(two) orders that have been passed in a petition seeking maintenance being Ref. Maintenance Case No. 3(T) of 2003, before the Court of the Judicial



Magistrate First Class, East Khasi Hills District, Shillong to substantiate the fact that she was the wife and therefore entitled to the terminal benefits.

3. Mr. R. Debnath, learned CGC on behalf of the respondents has submitted that there are no materials on record to show that the writ petitioner was legally married to the deceased employee. Further, he submits that the maintenance orders which have been enclosed in the writ petition shows that orders have been issued, whereby the Assam Rifles authorities have been directed to deduct the amount of maintenance from the salary of the deceased employee. He therefore submits that the Assam Rifles being under the Home Ministry, and the service of the deceased employee being in the Station Cell 101 under the Army, it is not possible that any maintenance could have been granted.

4. Having heard the learned counsel for the parties and upon examining the materials on record, as also the service records which has been produced by the learned CGC, it is seen that apart from a certificate issued by the Happy Valley Gorkha Public Panchayat, with regard to the marriage, which is not dated, and a Ration Card which has been appended to the writ petition, no other materials exists to show a valid marriage. However, coming to the orders passed in Ref. Maintenance Case No. 3(T) of 2003, it is seen that in an order dated 27.03.2003, between the writ petitioner and the deceased employee (L) Shri. Raju Dom, it is recorded



therein that the deceased employee was serving as a Safaiwala under 58 GTC, but however, the subsequent order dated 29.09.2004, it is recorded that the Colonel Administrative Commandant vide a letter dated 12.05.2003, had apprised the Court that Rs.1000/- (Rupees One Thousand) only would be deducted from the salary of the deceased employee. It is further recorded in the said order that the DDO of Assam Rifles was to clarify with regard to the non-receipt of maintenance by the writ petitioner.

5. On a conjoint reading of these orders and by applying a practical interpretation, it appears that what has been recorded in the order dated 29.09.2004, referring to the Assam Rifles may not be correct, and as such, the submission that the Assam Rifles had granted the maintenance also cannot be confirmed or taken to disable the case of the petitioner.

6. In this view of the matter, considering the fact that the writ petitioner had also submitted the certificate to the respondent No. 3, to show the factum of marriage and also in view of the proceedings in the maintenance case, this Court is of the view that the writ petitioner will be entitled to the details as to the terminal benefits of the writ petitioner, for which further proceedings will necessarily have to be undertaken to claim the same in accordance with law.

7. Accordingly, it is directed that the respondent No. 3 shall furnish the writ petitioner all the details of the terminal benefits of the deceased



employee within a period of 4(four) weeks, copy of this order is presented to the said respondents.

8. Matter accordingly stands closed and disposed of.
9. Records to be returned back to the learned CGC.

Judge

Meghalaya
17.02.2025
"D.Thabab-PS"