



Serial No.20
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C). No. 226 of 2024

Date of Decision: 22.04.2025

Shri. Rodney Syngli

...Petitioner

-Versus-

1. State of Meghalaya, represented by
Chief Secretary.
2. Secretary, District Selection Committee,
East Khasi Hills District, Shillong.
3. Director of Sericulture and Weaving,
Department of Textile, Meghalaya,
Shillong.
4. District Sericulture Officer,
Ri-Bhoi District, Nongpoh.
5. The Principal Accountant General (A&E)
Meghalaya.

...Respondents

Coram:

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

Appearance:

For the Petitioner/Applicant(s) :	Ms.A.Kharshiing, Adv. Mr. R.Majaw, Adv. Ms. E.Blah, Adv.
For the Respondent(s) :	Mr.H.Abraham, GA for R 1-4. Ms. E.B.Passah, Adv. for R 5.



- | | | |
|-----|---|--------|
| 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 petitioner who retired as a Supervisor in the office of the Directorate of Sericulture and Weaving, Government of Meghalaya, is before this Court with a prayer to direct the respondents to release the gratuity amount with interest from the date of entitlement till the date of actual payment.

2. Ms. A.Kharshiing, learned counsel for the petitioner has submitted that the petitioner had retired after serving for 38 years and was released from service on 31-03-2019, and though the terminal benefits such as, GPF and Leave Encashment had been given to the writ petitioner, the gratuity amount till date still remains to be paid. It is submitted by learned counsel that the reason given by the respondent No. 5 (Accountant General) for non-processing of the payment of gratuity is due to the fact that the writ petitioner has not intimated in Form 17 the list of family members. This requirement, she submits, has been given in a letter dated 25-06-2024 from the respondent



No. 5, addressed to the respondent No. 4. It is submitted by learned counsel that this requirement, in view of the fact that the writ petitioner is still alive should not be an impediment to release the gratuity. She therefore, prays that the respondents be directed to process and to release the gratuity of the writ petitioner at the earliest.

3. Mr. H.Abraham, learned GA for the State respondents No. 1-4 submits that from the part of the State respondents, all requirements including the computation of the amounts due, has been made and submitted to the respondent No. 5, but however, the respondent No. 5 due to a query with regard to From 17 has till date, yet to release the gratuity amount of the writ petitioner. It is further submitted by the learned GA that this query is with regard to the non-supply of the names of the family members who are to be the retired employee's nominees, wherein inspite of reminders, has not been provided by the writ petitioner. He therefore, submits that due to this deadlock, the entire matter has been delayed.

4. Ms. E.B.Passah, learned counsel for the respondent No. 5 has submitted that notwithstanding any impediment, as per Rule 69 of the Meghalaya Civil Services (Pension) Rules ,1983, the Head of Office in the event in the delay of the submission of pension papers or delay in processing the settlement thereof, 80% of the gratuity payable is to be released by the



State respondents. Learned counsel has also referred to an Office Memorandum dated 19-05-2014, annexed to the affidavit of the respondent No. 5.

5. I have heard learned counsel for the parties and examined the materials on record. From the submissions, what emerges is that the petitioner who had retired in 2019, though allowed other terminal benefits and pension, leave encashment etc., is yet to receive the gratuity in view of the fact that he has not furnished the names of the nominees. From the writ petition itself, it can be seen that several reminders have been issued to the writ petitioner to comply with the requirements, but however, from the submissions of the learned counsel for the petitioner, the same could not be furnished due to the fact of ongoing divorce proceedings, so on this ground it appears the payment of gratuity has since been held up.

6. Gratuity is a right of a retired employee and in the instant case what is seen is that the delay has been caused due to the non-furnishing of the name of his wife and family members by the writ petitioner. However, referring to the Memorandum dated 19-05-2014, the release of at least 80% of gratuity should not have been an impediment to the State respondents, inasmuch as, it is not the case where the retired employee has expired which



may give rise to conflicting claims. The said Office Memorandum for the sake of convenience is reproduced herein below:

**“GOVERNMENT OF MEGHALAYA
FINANCE (PENSION CELL) DEPARTMENT**

No. FEM(PC)40/2009/82

Dated Shillong, the 19th May, 2014.

OFFICE MEMORANDUM

Subject: Disbursement of Provisional Gratuity.

Under Rule 69 of the Meghalaya Civil Services (Pension) Rules, 1983, the Head of Office may, in the event of delay in the submission of pension papers or delay in processing and settlement of pension of Government employees, sanction and make disbursement of Provisional Gratuity at the rate of 100% of the amount due and determined in accordance with the rules in force.

However, attention of the State Government has been drawn by the Accountant General, Meghalaya, Shillong, to numerous instances of excess payment of provisional gratuity made by the Head of Office, thereby causing substantial loss to the Government.

After due consideration, it was decided that with a view to check against such excess payments, the rate of payment of provisional gratuity shall be limited only to 80% of the amount due and determined in accordance with the rules in force. The balance thereof shall be drawn and disburse on the strength of the authority issued by the Accountant General.

This order shall take immediate effect from the date of issue of the Office Memorandum.

Sd/-

(Smti. M.L.Laloo)

***Officer on Special Duty to the Govt. of Meghalaya,
Finance (Pension Cell) Department.”***



7. In the backdrop of these facts therefore, though some doubts may remain with regard to the exact identity of the nominees to avail family pension in the event the petitioner's demise, with regard to the gratuity, this situation is not present.

8. Accordingly, this Court directs that 100% of the gratuity thereof, shall be released by the respondents to the writ petitioner within a period of two months. The other terminal benefits, such as pension etc, for which the writ petitioner has not furnished proper nominations, the respondent No. 5 shall be at liberty to take appropriate steps in that regard. As the actions of the respondents seem to be bonafide, no interest to be awarded on the amount of full gratuity, due and payable.

9. With the above directions, the writ petition stands closed and disposed of.

Judge