



Serial No.04
Supp. List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C). No. 272 of 2023

Date of Decision: 13.08.2025

Shri. Quiwib R. Marak,
Son of (L) Ragonach J. Sangma.

...Petitioner

-Versus-

1. The Union of India,
Represented by the Secretary,
Ministry of Health and Family Welfare,
Government of Meghalaya.
2. The State of Meghalaya,
Represented by the Chief Secretary of Meghalaya,
Government of Meghalaya.
3. The Under Secretary to the Government of Meghalaya,
Secretariat Administration Department,
Nazarat Branch, Shillong.
4. NEIGRIHMS (North Eastern Indira Gandhi Regional
Institute of Health and Medical Sciences)
Represented by the Director (Admn), NEIGRIHMS
(North Eastern Indira Gandhi Regional
Institute of Health and Medical Sciences),
Shillong, Meghalaya.
5. The Deputy Director (Admn),
NEIGRIHMS (North Eastern Indira Gandhi Regional
Institute of Health and Medical Sciences),
Shillong, Meghalaya.

...Respondents



Coram:

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

Appearance:

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

For the Respondent(s) : Dr. N.Mozika, DSGI with
Ms. M.Myrchiang, Adv, for R 1,4&5.
Mr. N.D.Chullai, AAG with
Mr. E.R.Chyne, GA for R 2 & 3.

i)	Whether approved for reporting in Law journals etc:	Yes/No
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ii)	Whether approved for publication in press:	Yes/No
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JUDGMENT AND ORDER (ORAL)

1. The petitioner is before this Court with a prayer for release of his retirement/pensionary benefits to which he is entitled, but however, has not been released though he has retired as far back as on 30-09-2021.

2. The brief facts are that the petitioner was appointed as a Peon by the respondent No. 3 (State respondent) in 1984, and thereafter, on 01-11-1989 was deputed to North Eastern Indira Gandhi Regional Institute of Health and Medical Sciences (NEIGRIHMS), for an initial period of 1(one) year, which continued on extension for 10(ten) years, whereafter, he was permanently



absorbed w.e.f. 01-11-1999. It appears that the non-finalisation and release of the terminal benefits due to the writ petitioner was on account of the lack of clarity as to who would be the appropriate authority liable to facilitate the same, inasmuch as, the petitioner was on deputation for a period of 10 (ten) years (1989-1999).

3. In the course of the proceedings, with regard to the question of the period of deputation, i.e. from 01-11-1989 to 01-11-1999, the same came to be resolved, as the orders of extension of deputation by the State of Meghalaya have been produced before this Court, which reflect that for all practical purposes, the writ petitioner was no longer in the services of the State Government after 1989. Thereafter, on the same being resolved, with regard to the calculation of arrears of the pension gratuity and other terminal benefits due to the writ petitioner, an affidavit has been filed by the writ petitioner detailing the said amount with interest in terms of Rule 45(1)(a) of the Central Civil Services (Pension) Rules, 2021. The computed amount as stated in the affidavit dated 13-05-2025, is ₹ 3,49,819/-. This amount, therefore, necessarily would be payable by the NEIGRIHMS, as the writ petitioner has superannuated from the Central Government itself.

4. Dr. N.Mozika, learned DSGI assisted by Ms. M.Myrchiang, learned counsel on behalf of the respondents No. 1, 4 & 5, has submitted that for



this period for which the lacuna existed earlier i.e. from 1989-1999, in view of the facts and circumstances as placed, the said respondents are agreeable to pay the amount as computed. However, learned DSGI has drawn the attention of this Court to the fact that the writ petitioner was in service from the year 1984 to 1989 under the State respondents, for which certain deductions surely would have been made. He further submits that as the respondents No. 1, 4 & 5 are settling the final dues of the writ petitioner, this amount is to be received for adjustment and made over to the respondents No. 1, 4 & 5, and that the State respondents be directed to transmit this amount.

5. Mr. N.D.Chullai, learned AAG assisted by Mr. E.R.Chyne, learned GA on behalf of the respondents No. 2 & 3, however, submits that as per his instructions, there are no dues lying with the State Government and as such, the final settlement to be made by the respondents No. 1, 4 & 5, should close the entire matter.

6. Mr. S.Marpan, learned counsel on behalf of the petitioner submits that on this settlement, the petitioner's grievances will be addressed and has no further claims to make, only that, as the computation was made as far back as on May, 2025, the correct amount may be calculated and pension of the petitioner may be released accordingly.



7. This Court on the consideration of the facts of the case and also the added submissions made by Dr. N.Mozika, learned DSGI for the respondents No. 1,4 & 5, is of the opinion that it is not necessary to prolong the matter any further as it is the writ petitioner who is suffering due to the non-release of his due entitlements.

8. Accordingly, this writ petition is closed by directing the respondents No. 1, 4 & 5 to release the payments of the writ petitioner as due. With regard to the question raised by Dr. N.Mozika, learned DSGI, it is left to the NEIGRIHMS and the State respondents to resolve the matter at their level, and in this regard, it is expected that the State shall calculate the amount, if any, and the same to be made over to the respondents No. 1, 4 & 5 within a period of 5(five) months from today.

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

Judge

Meghalaya
13.08.2025
"Samantha PS"