



Serial No.31
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C). No. 306 of 2024

Date of Decision : 25.02.2025

Smti. Bonita Kyndiah,
 Wife of (L) Harvest Umdor
 Resident of Sngithiang,
 Lower Mawprem, Shillong,
 East Khasi Hills District, Meghalaya.

...Petitioner

-Versus-

1. The State of Meghalaya represented
by its Chief Secretary.
2. Joint Secretary to the Government of
Meghalaya, Law Department,
Shillong, Meghalaya.
3. Under Secretary to the Government of
Meghalaya, Law Department.
4. Accountant General, (A & E),
Meghalaya, Shillong,
East Khasi Hills District.

...Respondents

Coram:

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

Appearance:

For the Petitioner/Applicant(s) : Ms. R.Kharshiing, Adv.

For the Respondent(s) : Ms. S.Shyam, GA for R 1-3.
 Ms. E.B.Passah, Adv. for R 4.



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

1. The writ petitioner is before this Court with a prayer for post facto regularization and for finalization of the pension due apart from other terminal benefits as admissible.

2. The brief facts are that the petitioner was initially appointed as Stenographer Grade III in the office of the District and Sessions Judge, Shillong on 27-04-1988, and her name thereafter had appeared in the provisional gradation list of the Staff of the District and Sessions Judge establishment. By an office order dated 14-05-2014, the writ petitioner was confirmed along with others in the post of Stenographer Grade III and thereafter, had continued in service. The factum of her impending retirement was also communicated to the Treasury Officer vide a letter dated 30-07-2018 in connection with her subscription towards her General Provident Fund account. The petitioner thereafter, had superannuated on



01-03-2019, but however, till date is yet to receive her pension and other retirement benefits.

3. It has been submitted by Ms. R.Kharshiing, learned counsel appearing on behalf of the petitioner that inspite of the petitioner being confirmed in service against a vacant sanctioned post and inspite of her name appearing in the gradation list, the respondents have not processed her formal regularization which has compelled her to approach this Court by way of the instant writ petition. Learned counsel has also drawn the attention of this Court to various communications whereby the service book and other relevant documents of the writ petitioner had been transmitted by the Law Department to the Personnel Department for regularization. Though these communications are dated 3rd August, 2023 and so on, she submits the fact that the writ petitioner had been serving since 1988 is undisputed. She therefore prays that directions be issued for immediate formal regularization and for release of her pensionary benefits. In support of her submission, learned counsel has also placed reliance in a judgment passed by this Court dated 29-07-2022, passed in WP(C). No. 36 of 2022.

4. Ms. S.Shyam, learned GA appearing for the State respondents No. 1, 2 & 3 has only submitted that the proposal for regularization of the writ



petitioner is still under consideration and has referred to the letter dated 12th September, 2023 to show that the same is under process.

5. Ms. E.B.Passah, learned counsel appearing for the respondent No. 4 submits that from the side of the Accountant General, they are yet to receive any materials or papers to process the pension of the writ petitioner and on receipt of any such papers, the same shall be dealt with expeditiously by the said respondent.

6. I have heard the learned counsel for the parties and also examined the materials on record. The writ petitioner, it is seen, has been subjected to immense hardship and suffering due to no fault on her part, especially considering the fact that she had been confirmed in the post as far back as on 2014, and had been appointed in the year 1988 itself on a regular scale of pay with all other service benefits and had also contributed to the General Provident Fund. It is not understood therefore, as to what has prevented the State respondents who have since received the service books and all necessary documents of the writ petitioner, to process the proposal for regularization and to regularize the writ petitioner against the post to which she had been serving. It is further noted that after the letter dated 12th September, 2023, nothing is known with regard to the progress of the case of the petitioner.



7. Accordingly, it is directed that the respondents shall process the case of the writ petitioner most expeditiously within a period of two months from the date of this order and issue necessary orders in this regard. It is to be kept in mind that six years have elapsed since her retirement and no pensionary benefits have yet reached the writ petitioner.

8. As ordered above, the instant writ petition is allowed and is disposed of.

Judge