



Serial No.23
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C). No. 421 of 2024

Date of Decision: 01.09.2025

Smti. Munniya Devi,
Wife of Shri. Kameshwar Roy.

...Petitioner

-Versus-

1. The Union of India represented by the
Home Secretary/ Secretary,
Ministry of Home Affairs,
Government of India, North Block,
New Delhi – 110001.
2. The Home Secretary,
Ministry of Home Affairs,
Government of India, North Block,
New Delhi – 110001.
3. The Director General Assam Rifles,
(DGAR), Shillong, Meghalaya.
4. The Colonel Records (Col Recrods),
Directorate General Assam Rifles,
Shillong, Meghalaya.
5. The Deputy Commandant,
SO-2 (Adm), Directorate General
Assam Rifles, Shillong, Meghalaya.
6. The Mahanideshalaya Assam Rifles,
Director General Assam Rifles,
Pension/NE Record Branch,
Shillong- 793011, Meghalaya.



7. The Branch Manager,
State Bank of India, Desari Branch
(Branch Code No. 2932), IFSC
Code No. SBIN0002932, Vaishali,
Bihar – 844504.
8. Shri. Kameshwar Roy,
Son of Shri. Ramdeo Roy,
Resident of Village Khurd Madhul,
P.O. Desari, District Vaishali,
Bihar, Pin – 844504.

...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 1-6.
Ms. R.Kharshiing, Adv. for R 8.

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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. After hearing the parties at length, Mr. S.Marpan, learned counsel for the petitioner prays that he may be allowed to withdraw the instant writ



application with liberty to seek civil remedy as the matter involves questions of disputed facts also.

2. In brief, it may be noted that the challenge was initially against the voluntary retirement pension dated 18-07-2024, of the respondent No. 8. The other prayer was for direction to the respondents to conduct an investigation into the pension application of the respondent No. 8. The basis on which the challenge has been made is that the petitioner was initially married to the respondent No. 8 and on 17-05-2006, the same stood dissolved by a decree passed in the Divorce Suit No. 8 (T) of 1996. It appears that the respondent No. 8 had then submitted the declaration form and other testimonials declaring his marriage to one Smti. Savita Kumari on 20-12-2006. On this declaration, the name of the next of kin in the pension documents submitted by the respondent No. 8 was then accordingly changed to that of Smti. Sabita Devi. The petitioner on coming to the knowledge about the application for voluntary retirement, had filed a representation to the respondents and submitted a copy of the judgment and order dated 23-07-2007, passed in RFA No 10 (SH) of 2006, which had set aside the decree of Divorce dated 17-05-2006. It is to be noted herein that the said order was passed ex parte.

3. In this backdrop, the writ petitioner had preferred the instant writ application, but however, upon the Court observing that since the respondent



No. 8 is still alive and there is no legal requirement for withholding the pensionary benefits to which he is legally entitled to, the learned counsel for the petitioner had made the above noted prayer for withdrawal.

4. In consideration thereof, the matter stands closed on withdrawal leaving the writ petitioner to seek alternate civil remedy.

5. Matter accordingly stands disposed of.

Judge