



Serial No. 08
Supplementary List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 317 of 2024

Date of Decision: 21.04.2026

Smti Cheritangme K. Marak,
D/o (L) Hebithson R. Marak,
R/o Chibagok, P.O. Resubelpara,
North Garo Hills District, Meghalaya **... Petitioner(s)**

Versus

1. State of Meghalaya represented by
The Chief Secretary to the Govt. of Meghalaya, Shillong
 2. The Secretary to the Govt. of Meghalaya,
Personnel & A.R. (B) Department, Meghalaya, Shillong
 3. The Secretary to the Govt. of Meghalaya,
Agriculture Department, Meghalaya, Shillong
 4. The Secretary to the Govt. of Meghalaya,
Finance (Pension Cell) Department, Meghalaya, Shillong
 5. The Director of Agriculture,
Meghalaya, Shillong
 6. The District Agriculture Officer,
North Garo Hills District, Resubelpara,
 7. The Accountant General (A&E),
Meghalaya, Shillong
 8. The Senior Accounts Officer,
O/o Accountant General (A&E), Meghalaya, Shillong
 9. The Treasury Officer,
North Garo Hills District, Resubelpara. **... Respondent(s)**
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Coram:

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

Appearance:

For the Petitioner(s) : Mr. S. Dey, Adv. with
Mr. J. Suchiang, Adv.

For the Respondent(s) : Mr. J.N. Rynjah, GA (For R 1-6&9)
Ms. E.B. Passah, Adv. (For R 7&8)

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 who is stated to be the only daughter/legal heir of one (L) Hebithson R. Marak, who was an employee in the Office of the District Agriculture Officer, East Garo Hills, in a Grade-VI post (Chowkidar) expired on 20.05.2016, is before this Court praying for grant of family pension in her favour.

2. Mr. S. Dey, learned counsel for the petitioner has submitted that the petitioner who is un-married, is the adopted daughter of the deceased employee and that the date of adoption could no longer be ascertained as it happened when she was an infant. The learned counsel



has drawn the attention of this Court to the Birth Certificate issued on 29.02.2012, the Caste Certificate issued on 21.05.2009, and also the Transfer Certificate dated 18.12.2008, wherein the deceased employee has been named therein, as the Father of the petitioner. The learned counsel also submits that the with regard to the other terminal benefits entitled to the deceased employee, a Succession Certificate had also been granted to the petitioner, for which she received Rs. 9, 49,223/- being leave salary, GPF, and DCRG. He further submits that in respect of the family pension, for which the petitioner had made an application, the same has not been considered, inasmuch as, the respondents Nos. 7 & 8, by a Pension Payment Order dated 16.01.2024 had noted that there is no family pensioner, and as such no family pension is payable. The learned counsel submits that it appears that the denial for family pension is due to the fact that she had stated that she was adopted, but could not come up with any requisite documentation to substantiate this fact, before the respondents Nos. 7 & 8. He further submits that otherwise all the other documents as required, have been submitted to the said respondents. He therefore, prays that in view of the circumstances, there should be no impediment for the respondents Nos. 7 & 8, to consider for release of family pension to the petitioner.



3. Ms. E.B. Passah, learned counsel for the respondents Nos. 7 & 8, has submitted that the said respondents are unable to release the family pension in view of the fact that under the Meghalaya Civil Service (Pension) Rules, the petitioner will not be covered even in the Second category of the said Rules, and neither has the petitioner furnished a legal adoption deed. She therefore, submits that the writ petitioner being barred by a technicality, cannot be granted the family pension.

4. Mr. J.N. Rynjah, learned GA submits that the State respondents being the employer have no objection if the family pension is granted to the petitioner and has also echoed the submissions of the learned counsel for the respondents Nos. 7 & 8, that the same could not be granted due to the absence of a proper adoption deed.

5. This Court on hearing the learned counsel for the parties and also on perusal of the available materials on record, has noted that the fact the writ petitioner is a legal heir of the deceased employee, by adoption or otherwise, is undisputed. The documentation that has been provided it is seen, especially the Birth Certificate which was issued in 2012, was during the period when the deceased employee was still in service, so also the other documents such as the Caste Certificate and the Transfer Certificate, wherein the deceased employee has been shown as the father of the writ petitioner. The only hindrance it appears therefore, is the absence of an



adoption deed, inasmuch as, the factum of her being adopted has been recorded in the order dated 27.09.2018, passed by the Addl. District Magistrate, while granting the Succession Certificate to the writ petitioner for the other terminal benefits. A perusal of the order dated 27.09.2018, would show that by this Judicial order, the adoption of the writ petitioner by one (L) Hebithson R. Marak was recognized. Coupled with this fact is that there has also been no application from any other contesting party or legal heir for the terminal benefits of the deceased employee. In fact as recorded in the order itself, the niece of the deceased employee had declined to receive her uncle's assets and liabilities and had voluntarily given in writing that she would stake no claim, and relinquish the property in favour of the writ petitioner, which clearly shows that the writ petitioner, would be the only legal heir to be considered for grant of family pension

6. The above noted facts thus shows that the relationship between the deceased employee and the writ petitioner was that of father and daughter, adopted or otherwise. It is also pertinent to note that in such tribal societies, formal adoption papers are not drawn up, and adoption is usually done in a customary manner. Taking this aspect into account and the other facts as discussed above, in the considered view of this Court



notwithstanding the non-availability of a deed of adoption, the rights of the petitioner has been clearly established.

7. Accordingly, the respondents Nos. 7 & 8 are directed to release and grant the family pension to the writ petitioner, by also taking into account the fact the State respondents who are the employers, have no objection to the release of the same, in favour of the writ petitioner.

8. The writ petition is allowed and is accordingly disposed of. However, it is made clear that this Judgment has been passed clearly on the peculiar facts and circumstances of the case itself, and shall not serve as a precedent in other cases.

9. It is expected that the entire exercise shall be completed within a period of 4(four) months, from the date of this order.

JUDGE

Meghalaya
21.04.2026
"V. Lyndem-PS"