Serial No. 28
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C). No. 171 of 2020

Date of Order: 03.12.2020

Shri. Harding Stone Bamon Vs. State of Meghalaya & Anr.

Coram:

Hon'ble Mr. Justice Ranjit More, Judge.

Appearance:

For the Petitioner/Appellant(s) : Mr. S.Chakrawarty, Sr. Adv. with
Ms. E.Slong, Adv.

For the Respondent(s) : Mr. K.P.Bhattacharjee, GA for R 1.
None for R 2.

1. Heard learned counsel appearing for the respective parties.

2. The petitioner was an employee of respondent No. 2 who superannuated on 31-07-2019. The short grievance in this petition is about non-payment of pensionary benefits to the petitioner.

3. On behalf of respondent No. 2, Shri. Pravin Bakshi, IAS has filed an additional affidavit dated 02-11-2020. In para 2 of said affidavit, following averments are made:

> *"**2**. That there are multiple liabilities of the Company, which are to be met from exigencies fund, however Company propose to disburse the retirement benefits due as on date to Petitioner by instalments in the following manner:*
>
> ***Schedule of Payment of Instalments***
>
> *On receipt of certified true copy of the order of the Hon'ble Court ₹2,00,000/- shall be released being the first instalment thereafter @ ₹1,50,000/- (One Lakh Fifty Thousand) only at the interval of every three months as per schedule given below:-*

Total Amount due	-	***₹ 8,85,374.00***	
First Instalment	-		*₹ 2,00,000.00*
Followed by 2nd Instalment	-		*₹ 1,50,000.00*
3rd Instalment	-		*₹ 1,50,000.00*
4th Instalment	-		*₹ 1,50,000.00*
Last and final instalment i.e. balance amount	-		*₹ 2,35,374.00*
Total	-	***₹8,85,374.00***	***₹8,85,374.00***

4. Mr. S.Chakrawarty, learned Sr. counsel for the petitioner does not dispute that the total amount petitioner is entitled to get by way of pensionary benefits is ₹8,85,374.00. However, he submits that the period proposed by respondent No. 2 to pay the pensionary benefits to the petitioner is quite long. Mr. S.Chakrawarty further submits that respondent No. 2 maybe directed to pay the entire pensionary benefits at the earliest.

5. Respondent No. 2 has earlier filed affidavit in reply dated 28th August, 2020. In this affidavit, it is categorically stated that due to the poor financial condition, respondent No. 2 is unable to pay the salary of the in-house employees for months together as Company is running in loss for last many years since 2006-2007.

6. In the light of the averments made in the earlier affidavit dated 28th August, 2020, I find that the proposal of respondent No. 2 to pay the retirement benefits to the petitioner in instalments is not unjust.

7. In the above circumstances, respondent No. 2 is directed to pay the pensionary benefits to the petitioner in terms of the schedule mentioned in said para 2 of the additional affidavit dated 02-11-2020.

8. Petition accordingly stands disposed of.

Judge

Meghalaya
03.12.2020
"Samantha PS"