Serial No. 01
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 196 of 2020

Date of Decision: 25.08.2020

Smti Gelsoni Marak **Vs.** State of Meghalaya & Ors.

Coram:

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

Appearance:

For the Petitioner(s) : Mr. P.T. Sangma, Adv.

For the Respondent(s) : Ms. I. Lyngwa, GA with
Mr. A.H. Kharwanlang, GA (For R 1,2,3 & 5)

i) Whether approved for reporting in Law journals etc. Yes/No

ii) Whether approved for publication in press: Yes/No

1. Matter taken up via Video Conferencing.

2. Heard learned counsels for the parties.

3. By the instant writ petition, the petitioner herein is before this Court with a prayer for payment of family pension to her and for cancellation of the nomination of the private respondent No. 6 from the records of the service book of the deceased, namely, one Willison Sangma, who was a permanent Grade-IV employee in the P.H.E. Department.

4. Mr. P.T. Sangma, learned counsel for the petitioner submits that the deceased employee was the husband of the petitioner who after retirement on 31.01.2009 had expired 02.05.2020. He submits that when the petitioner approached the State respondents for grant of family pension, the petitioner came to learn that the private respondent namely one Smti Repolin Marak was shown as the nominee for the grant of family pension

in the service book of the deceased employee. Being aggrieved thereby and maintaining that she was the legally wedded wife of the deceased employee, the learned counsel submits that the petitioner had submitted repeated representations on 29.05.2020 and 22.06.2020 before the respondent No. 5 and on 26.06.2020 before the respondent No. 4. However, he submits the representations remained unanswered compelling the petitioner to approach this Court.

5. By order dated 03.08.2020 in the motion stage, this Court had issued notice, and as the matter concerned family pension, had directed the State respondents to obtain instructions and to file affidavit. Today when the matter was taken up, it is noted that the petitioner had not taken steps on the respondents No. 4 & 6 and moreover, the counsel for the State respondents Ms. I. Lyngwa, submitted that the instructions are yet to be received.

6. In this situation therefore, on consideration of the facts and circumstances of the case and to avoid prolonging the same as the matter involves grant and release of family pension, without going into the merits of the case, it would be expedient and in the interest of justice if the matter is disposed of by this Court at this stage itself. Accordingly, it is directed that that the concerned respondents look into the representations dated 29.05.2020 and 22.06.2020, and dispose of the same in accordance with law, preferably within a period of 3(three) months from the date a certified copy of this order is presented before the respondent No. 5.

7. The matter is accordingly stands disposed of. No order as to costs.

JUDGE

Meghalaya
25.08.2020
"V. Lyndem-PS"