Serial No.01
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 397 of 2020 Date of Order: 16.12.2020

Shri. Bresson Marbaniang **Vs**. State of Meghalaya & Ors.

Coram:

Hon'ble Mr. Justice Ranjit More, Judge

Appearance:

For the Petitioner/Appellant(s) : Mr. M. F. Qureshi, Adv.

For the Respondent(s) : Mr. H. Kharmih, GA. for R- 1 to 4

1. Heard Mr. M. F. Qureshi, learned counsel for the petitioner and Mr. H. Kharmih learned counsel for the respondents No. 1 – 4.

2. The petitioner was appointed as Driver fireman by the order dated 01-02-1991 in the office of respondent No.4 (The Superintendent of Police (F & ES) Meghalaya, Shillong). The petitioner has completed continuous service of 28 years, however, due to some domestic problem petitioner decided to take voluntary retirement. Accordingly, he made representation to respondent No.4 for voluntary retirement on 18-03-2019. This representation was accepted by respondent No.4 by order dated 28-06-2019 and petitioner was allowed to proceed on voluntary retirement from service w.e.f 30-06-2019.

3. In view of his voluntary retirement, petitioner is entitled for service benefits including the retirement benefits and monthly pension. Accordingly, his file was processed and sent to the respondent No.5. Petitioner received the copy of the letter dated 22-10-2019 written by respondent No.5 to respondent No.4 whereby clarification was sought with regard to the name of the petitioner, since the name of the petitioner was shown as Shri. Broson Marbaniang in the record of Respondent No.5

whereas in an application for final payment, the name of the petitioner was shown as Shri Bresson Marbaniang.

4. It is the case of the petitioner that though respondent No.5 requested respondent No.4 long back by letter dated 22-10-2019 for clarification regarding the petitioner's name till date no clarification was given by the respondent No.4 and because of this he is deprived of retiral benefits.

5. This petition appeared for admission on 10-12-2020. Mr. H. Abraham, learned GA for the respondents No. 1 – 4 requested for time to take instruction. Today, having taken instruction Mr. H. Kharmih, learned GA for respondents No.1 – 4 makes a statement that respondent No.4 by letter dated 18-11-2019 addressed to the respondent No.5 (The Principal, Accountant General (A&E), Meghalaya, Shillong) has clarified that Shri. Broson Marbaniang and Shri Bresson Marbaniang is one and the same person. Copy of the letter is given by the Government Advocate to the learned counsel for the petitioner.

6. In above circumstances, grievance made in this petition about the inaction on the part of respondent No.4 no more survives. The petition is disposed of with direction to respondent No.5 to process the pension papers of the petitioner and take appropriate action as expeditiously as possible and preferably within the period of 4 (four) weeks from the date of the receipt of the order.

Judge

Meghalaya
16.12.2020
"Biswarup PS"