Serial No. 1
Daily List

HIGH COURT OF MEGHALAYA
AT SHILLONG

MC(WA) No. 24 of 2026
In WA No. 5 of 2026

Date of Decision: 30.10.2026
Uploaded on : 11.11.2026

1. Shri Sudip Purakayastha (Ex-CAO MeCOFED),R/o Laban, Shillong-4, East Khasi Hills District, Meghalaya.
2. Primles Hynniewta, (Ex-Employee MeCOFED)
3. Smti. T. Swer, (Ex-Employee MeCOFED)
4. Mr. Sonita Toi of (L) I. Marbaniang, (Ex-Employee MeCOFED)
5. Shri Moon Najiar, (Ex-Employee MeCOFED)
6. Chinmoy Das, Ex-Accounts Officer, MeCOFED
7. Wovel Roy Dkhar
8. (L) Jitu Ex-Employee of Mecofed to be represented by Shri Harjant Singh (son.)
9. (L) Greaterson Marak Ex-Employee of Mecofed to be represented by Smti Kilish Areng (wife).
10. (L) Saudagar Seikh Ex-Employee of Mecofed to be represented by Md. Mostafizur Rahman (son).
11. (L) Muzibur Rahman Ex-Employee of Mecofed.
12. (L) Shemlok Massar Ex-Typist of Mecofed Shillong to be represented by Smti. Meris Jyrwa (wife).
13. Abel Marngar, Ex-Employee of Mecofed.
14. Cathy D. Momin/Cathrine D. Momin, Ex-Employee of Mecofed.
15. Shri Jagir Masih, H/O Khojini Masih.
16. Bhokte Bahadur, Ex-Employee of Mecofed.

17. R.S. Rumong, Ex-Employee of Mecofed

...Applicants/Appellants

- versus -

1. The State of Meghalaya, represented by the Secretary at the Government of Meghalaya, Shillong.

2. The Registrar of Cooperative Societies, Meghalaya, Shillong.

3. The Managing Director, Meghalaya State Cooperative, Marketing and Consumers' Federation Ltd. Lumdiengjri, Shillong-02, East Khasi Hills District, Meghalaya.

...Respondents

Coram:
Hon'ble Mrs. Justice Revati Mohite Dere, Chief Justice
Hon'ble Mr. Justice H.S.Thangkhiew, Judge

Appearance:

For the Applicants/Appellants : Mrs S. Rahman, Adv.

For the Respondents : Mr N.D. Chullai, AAG with
Mr. E.R. Chyne, GA
Mr P. Yobin, Adv. [R3]

i)	Whether approved for reporting in Law journals etc.:	Yes/No
ii)	Whether approved for publication in press:	Yes/No

JUDGMENT: (per the Hon'ble, the Chief Justice)

By this application, the applicants seek condonation of delay of 1239 days caused in filing the aforesaid appeal. The aforesaid appeal has been filed against the judgment and order dated 29.11.2022 passed by the learned Single Judge in WP(C) No. 317 of 2018, by which the learned Single Judge dismissed

the said petition seeking a direction to the respondent authorities to make payment of gratuity alongwith interest to the applicants/appellants.

2. Since the application seeking condonation of delay of 1239 days caused in filing the aforesaid appeal against the judgment and order dated 29.11.2022 was bereft of details, i.e., it did not disclose sufficient cause for condoning the delay, this Court vide order dated 06.08.2026 granted leave to the applicants/appellant to amend the application. Pursuant thereto, learned counsel for the applicants/appellants filed the amended application. The reasons mentioned for filing the application belatedly are almost the same, as given in the earlier application. The reasons are;

(i) that the applicants/appellants are senior citizens, who had applied for gratuity 10 years back at the time of their retirement and that their representations were not replied to by MeCOFED, and that their counsel was hospitalised due to aged-related illness;

(ii) that the Advocate had prepared the writ appeal in February, 2024 and since it was late, the filing Section had asked her to file an appeal on Monday, however, unfortunately, all

documents, stamps and laptop got burnt on 24th February, 2024, and it took very long to again collect all the documents. It is pertinent to note that point No. (ii) has been mentioned in the amended application for the first time and not in the original application filed by the applicants/appellants.

3. Learned counsel for the applicants/appellants lastly submitted that having regard to the aforesaid, costs be imposed and delay be condoned in the interest of justice.

4. Mr. P. Yobin, learned counsel for the respondent No. 3 vehemently opposed the application. He vehemently submitted that sufficient cause for condoning the delay has not been disclosed by the applicants/appellants despite sufficient opportunity being granted to them to file an amended application. He submitted that infact, the applicants/appellants, had also filed the writ petition, being WP(C) No. 317 of 2018 before the learned Single Judge seeking a direction to the respondent authorities to make payment of gratuity alongwith interest to them, belatedly, i.e., the applicants/appellants had filed the said petition after almost 10 years of their retirement. He submitted that it is only when the applicants/appellants

learnt of the order dated 02.04.2018 passed by the Apex Court in SLP (Civil) Diary No. 35923 of 2017, wherein employees of MeCOFED, who had opted for VRS were directed to be paid gratuity, that the applicants/appellants filed their application and, on its rejection, filed a writ petition before the learned Single Judge.

5. Mr. P. Yobin, learned counsel for the respondent No. 3 submitted that even the learned Single Judge whilst dismissing the petition of the applicants/appellants had observed that the applicants/appellants herein, had approached the Court very belatedly and termed them as fence-sitters, who had approached the Court only after learning of the related order passed by the Supreme Court. Mr. Yobin submitted that in view of the aforesaid, the learned Single Judge rightly denied grant of any relief to the applicants/appellants, who had failed to assert their rights of being granted gratuity at or about the time of their retirement. Mr. P. Yobin, submitted that the learned Single Judge rightly held that the principle of delay and laches was squarely applicable to the applicants/appellants herein and as such, they were not entitled to the benefit of payment of gratuity. Thus, he submitted that apart from merits, no sufficient cause

as required by law is disclosed by the applicants/appellants for even filing the aforesaid appeal belatedly, i.e., after 1239 days.

6. We have perused the amended application seeking condonation of delay and heard learned counsel for the respective parties, and are of the opinion that the applicants/appellants have miserably failed to show sufficient cause for condoning delay of 1239 days caused in filing the aforesaid appeal against the judgment and order of the learned Single Judge dated 29.11.2022, despite being given an opportunity to amend the application, to show sufficient cause.

7. The Apex Court in ***Pathapati Subba Reddy (Died) by Legal Representatives and others vs. Special Deputy Collector (LA)*** reported in ***(2024) 12 SCC 336***, has in paragraph 28 observed as under:

> "***28.*** *On a harmonious consideration of the provisions of the law, as aforesaid, and the law laid down by this Court, it is evident that:*
>
> *28.1. Law of limitation is based upon public policy that there should be an end to litigation by forfeiting the right to remedy rather than the right itself;*
>
> *28.2. A right or the remedy that has not been exercised or availed of for a long time must come to an end or cease to exist after a fixed period of time:*

28.3. The provisions of the Limitation Act have to be construed differently. such as Section 3 has to be construed in a strict sense whereas Section 5 has to be construed liberally:

28.4. In order to advance substantial justice, though liberal approach. justice-oriented approach or cause of substantial justice may be kept in mind but the same cannot be used to defeat the substantial law of limitation contained in Section 3 of the Limitation Act:

28.5. Courts are empowered to exercise discretion to condone the delay if sufficient cause had been explained, but that exercise of power is discretionary in nature and may not be exercised even if sufficient cause is established for various factors such as, where there is inordinate delay, negligence and want of due diligence:

28.6. Merely some persons obtained relief in similar matter, it does not mean that others are also entitled to the same benefit if the court is not satisfied with the cause shown for the delay in filing the appeal;

28.7. Merits of the case are not required to be considered in condoning the delay: and

28.8. Delay condonation application has to be decided on the parameters laid down for condoning the delay and condoning the delay for the reason that the conditions have been imposed, tantamounts to disregarding the statutory provision."

8. Keeping in mind the aforesaid and having perused the application, we find that the applicants/appellants have miserably failed to show sufficient cause to condone the inordinate delay of 1239 days in filing the appeal. Despite giving an opportunity to the learned counsel for the

applicants/appellants to amend their application to show sufficient cause to condone the delay, the applicants/appellants have failed to show sufficient cause. It is well settled that it is not necessary to explain every day's delay, however, there must be some plausible explanation showing sufficient cause for condoning the delay. In the facts, the same is miserably lacking. Infact, the applicants/appellants had filed a petition before the learned Single Judge, after almost a decade and now the present appeal after more than 3 years.

9. In this view of the matter, since the application fails to show sufficient cause for condoning delay of 1239 days caused in filing the aforesaid appeal, the same deserves to be rejected.

10. Accordingly, the application stands disposed of.

(H.S.Thangkhiew)
Judge

(Revati Mohite Dere)
Chief Justice

Meghalaya
30.10.2026
"Sylvana PS"

Verified
Digitally signed by: SYLVANA LIZ KHARBHIH
Signed On: 11-11-2026 14:29:15 IST