



Serial No. 02
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 327 of 2018

Date of order: 01.10.2018

Shri Mishon Nongrum

Vs.

The Meghalaya Transport
Corporation & Ors.

Coram:

Hon'ble Mr. Justice Mohammad Yaqoob Mir, Chief Justice

Appearance:

For the Petitioner/Appellant(s) : Ms. L. Phanjom, Adv.

For the Respondent(s) : Mr. K. Khan, Adv. (For R 1)
Ms. P. Bhattacharjee, Adv. (For R 2& 3)

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

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

Oral:-

1. Heard learned counsel for the parties.

2. Admittedly, the petitioner is an ex-employee (Driver) of the Meghalaya Transport Corporation (MTC), on reaching the age of superannuation has retired w.e.f. 30.04.2018.

3. In the month of January 2018, the MTC issued an Office Order No. 756 dated 03.01.2018 informing the petitioner that he will be attaining the age of superannuation i.e., 58 years on 21.04.2018, so shall be retiring on 30.04.2018. He was asked to submit the pension papers, etc., in prescribed form and to apply for preparatory leave as admissible under rules if the petitioner so desired.

4. On retirement, the petitioner is entitled to retiral benefits, same have not been released in his favour, hence the instant petition, wherein it has projected that he being the sole bread earner for his family, so whole family suffers in view of the adamant approach of the respondents in not releasing his retiral benefits.

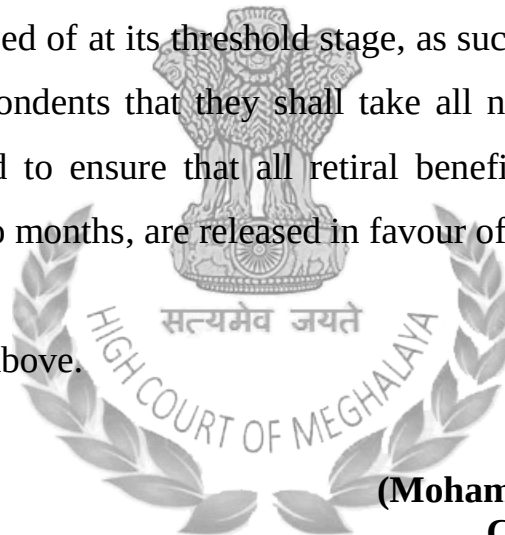


5. According to the learned counsel for respondent No. 1 (MTC), the MTC has a financial crisis, as a result whereof, the retiral benefits in one go could not be released, therefore, some reasonable time may be granted to the respondents to enable them to pay all retiral benefits to the petitioner.

6. Suffice to mention that the retiral benefits which include gratuity, leave salary, etc., is the vested right. Delay in release is not permissible, delay at times subject the retired employee and his family to unforeseen situation. It is in the same background, time and again it has been impressed upon that retiral benefits shall be released on time.

7. In view of the aforesaid stated facts and circumstances, this petition deserves to be disposed of at its threshold stage, as such is disposed of with a direction to the respondents that they shall take all necessary steps at their respective levels and to ensure that all retiral benefits including EP fund, preferably within two months, are released in favour of the petitioner.

8. Disposed of above.



(Mohammad Yaqoob Mir)
Chief Justice

Meghalaya
01.10.2018
"Sylvana PS"