



Serial No. 18
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 374 of 2018

Date of Decision: 22.11.2018

Smti. Cerilla Khonglah Vs. Union of India & Anr.

Coram:

Hon'ble Mr. Justice S.R. Sen, Judge

Appearance:

For the Petitioner(s)	:	Mr. S.C. Chakrawarty, Sr. Adv. with Ms. R. Sumer, Adv.
For the Respondent(s)	:	Ms. A. Paul, ASG. (For R 1 & 2)

1. Heard Mr. S.C. Chakrawarty, learned Sr. counsel assisted by Ms. R. Sumer, learned counsel appearing on behalf of the petitioner as well as Ms. A. Paul, learned ASG appearing on behalf of the respondent No. 1 & 2.

2. Learned Sr. counsel for the petitioner submits that the petitioner is bedridden and she is also not in a position to communicate. Besides that, her brain is damaged and she needs immediate medical treatment, but till date, she could not proceed for the medical treatment due to financial constraint and ultimately, she had to take help from Legal Aid Counsel.

Learned Sr. counsel also submits that considering her plight, necessary direction may be given to release her arrears at the tune of Rs. 9,23,711/- (Rupees nine lakh twenty three thousand seven hundred and eleven) only immediately.

3. On contra, learned ASG appearing on behalf of the respondent No. 1 & 2 submits and reiterates in her affidavit at Para 7 that she has paid the amount of Rs. 28,79,832/- (Rupees twenty eight lakh seventy nine thousand eight hundred and thirty two) only on 25th September, 2014 and raised the question where the money has gone and that is not clear. She also contended that they had written a letter to the Ministry of Human Resource Development, Government of India (For short "MHRD") but till date no sanction has come from the Indian Council of Social Science Research (For short "ICSSR") of all the six centres and also further

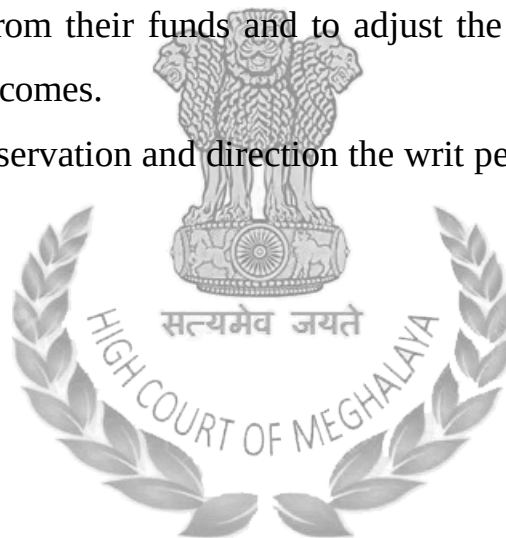


contended that the amount claimed as arrears is as per the Sixth Pay Commission.

4. After hearing the submissions advanced by the learned counsel for the parties and considering the facts and circumstances of the case, I am of the considered view that if the petitioner has received 28,79,832/- (Rupees twenty eight lakh seventy nine thousand eight hundred and thirty two) only and where she has spent, that is not the concern of the Court or any of us, but she has to get her entitlement. If she does not get within the stipulated time, the whole exercise will become futile. Therefore, the respondent No. 2 is directed to pay her arrear as claimed by the petitioner within 2(two) weeks from the date of this order.

It is further made clear that if no sanction comes, in such circumstances, the respondent No. 2 will have to pay the amount claimed by the petitioner from their funds and to adjust the same in near future when the approval comes.

5. With this observation and direction the writ petition is allowed and stands disposed of.



(S.R. Sen)
Judge

Meghalaya
22.11.2018
"D. Nary, PS"