



Serial No. 25
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 43 of 2018

Date of Decision : 04.04.2019

Bianghun Myrboh

Vs.

Union of India & 2 Ors.

Coram:

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

Appearance:

For the Petitioner(s) : Mr. H.L. Shangreiso, Adv.

For the Respondent(s) : Mr. R. Debnath, Adv. (For R 1&2)
Ms. T. Yangki B, Adv. (For R 3)

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

ORAL

1. The brief facts of the case is that the writ petitioner is the legal wife of the deceased (L) Danny Boy Nongrum who was working as Mazdoor in the office of the Garrison Engineer, Shillong who expired on 03.01.2000. The petitioner, being entitled to family pension was given intimation of Pension Payment Order (PPO) in her favour by letter dated 15th October, 2001 issued by the Garrison Engineer, Elephant Falls Camp, Nonglyer, Post, Shillong. The said letter also gave a direction and advise to the petitioner to contact SBI, DGAR, Laitumkhrah Shillong to obtain payment for pension/gratuity as sanctioned by the CCDA (P) Allahabad.

2. The writ petitioner, however, not being aware about the significance of the PPO, and steps that were required to be taken to avail



Family Pension did not pursue the matter for long 17 years, till 12th July, 2017 when she submitted a representation to the Garrison Engineer for release of family pension. In reply to the said representation the respondent No. 2 intimated to the petitioner that Pension Payment Order dated 17th September, 2001 which was duly finalized had been forwarded to the SBI, DGAR, Laitumkhrah, Shillong for disbursement/release of family pension to the next of kin of the deceased vide office letter dated 15th October, 2001.

3. Thereafter, the petitioner by letter dated 11th August, 2017 approached the respondent No. 3 for release of family pension. In reply thereto the respondent No. 3 communicated to the writ petitioner the requirement of certain documents and certificates which were necessary for processing the release of family pension. The petitioner being unable to locate the said PPO which was issued to her, and also some documents which were not in her possession, could not fulfill the requirements as asked by the Respondent No. 3, inspite of her being the legal wife and next of kin. As such having no other recourse, she has approached this Court by way of this writ application.

4. Mr. H.L. Shangreiso, learned counsel for the petitioner submits that the petitioner is in possession of the required documents except the original PPO which was misplaced but photocopy of the same and reference letter dated 15th October, 2001 from the Garrison Engineer (Annexure-V) are available and prays that the same may be accepted in lieu of the PPO and directions be issued to the respondent No. 3 to release the family pension forthwith.

5. Mr. R. Debnath, learned counsel for the respondents No. 1 & 2 submits that he has nothing to add in this case, inasmuch as, there has been no latches from the side of the respondents No. 1 & 2. He only submits that the PPO as issued is reflected at Page-20 of the writ petition.

6. Ms. T. Yangi B, learned counsel for the respondent No. 3 submits that the delay caused in releasing the family pension is due to the non-availability of the documents which are required which have not



been supplied by the petitioner. She further submits that the delay can be in no way attributed to the respondent No. 3, inasmuch as, the petitioner by herself has slept over her rights for long 17 years.

7. I have heard the learned counsel for the parties and after considering the facts at hand and materials on records this petition is disposed of with the following directions :-

- (i) The petitioner is directed to submit to the respondent No. 3 the required documents as noted in the letter dated 16th August, 2017 (Annexure-VIII) except for (a) & (e) i.e. PPO book of pensioner and copy of the letter received from Garrison Engineer letter No. P/2472/20/PEN Dt 15th October, 2001. With regard to the Account Pass Book of the deceased, the petitioner is permitted to supply details of her own personal Account Pass Book.
- (ii) With regard to the PPO of the petitioner and other required documents, letter from the Garrison Engineer so filed before this Court (Annexure-V) and the attachment thereto which is the PPO issued by the Office of the Principal C.D.A. (Pension) Allahabad should suffice, for the purpose of processing the family pension. Moreover, the Pension Payment Order (PPO) bearing No. C/Eng/FP/10191/2001 dated 17.09.2001 was already forwarded to the respondent No. 3 for disbursement vide letter dated 15th October, 2001.
- (iii) The entire exercise and process of the family pension of the petitioner should be completed within 6(six) weeks from the date of receipt of the order by the respondent No. 3.

8. With the above observations and directions, the instant writ petition is disposed of.

JUDGE

Meghalaya
04.04.2019
"V. Lyndem PS"