



Serial No. 02
Supplementary List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 508 of 2018

Date of Decision: 23.08.2019

Tngen Singh Basaiawmoit **Vs.** State of Meghalaya & Ors.

Coram:

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

Appearance:

For the Petitioner(s) : Mr. S.A. Sheikh, Adv.

For the Respondent(s) : Mr. N.D. Chullai, AAG with
Mr. A.H. Kharwanlang, GA (For R 1-3)
Mr. R. Debnath, CGC (For R 4)

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

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

ORAL

1. The brief facts of the case is that the petitioner a retired employee of the Government of Meghalaya has since superannuated in the year 2014. The prayer as made in the writ petition is for release of pension, GPF and other retirement benefits to the petitioner along with interest from the date it was due.

2. Mr. S.A. Sheikh, learned counsel for the petitioner submits that the respondents have been withholding the pension and other retirement benefits of the petitioner in spite of the fact that no departmental proceeding has ever been initiated against him while in service. He also submits that after his retirement though an FIR had been filed against him, he is fighting the same in the Court of law to prove his innocence. He finally submits that gratuity being the right of the petitioner, the same cannot be denied to him by the respondents and should be released forthwith. He also submits that in spite of the



representation dated 22nd August, 2017 which was submitted before the Deputy Commissioner, Shillong, till date no answer has been forthcoming.

3. Mr. N.D. Chullai, learned AAG assisted by Mr. A.H. Kharwanlang, learned GA for the respondents No. 1 to 3 submits that the petitioner firstly had misrepresented with regard to his correct date of superannuation and has unauthorizedly extended his own service. He also submits that there have been criminal instances of forgery regarding certain letters, which are attributed to the petitioner and therefore an FIR was lodged, apart from communication made to the respondent No. 4 to stop issuance of authority for payment of Pension, DCRG etc. to the petitioner. He further submits that at the most by operation of the Meghalaya Civil Services (Pension) Rules, the petitioner will be entitled to provisional pension until the entire matter is adjudicated and settled.

4. I have heard learned counsel for the parties, considered their submissions and examined the materials on record. The case has a chequered history in view of the fact that in one criminal case, the matter ended in final report due to non-prosecution and another criminal case registered as Sohra P.S. Case No. 13 (6) 14 U/S 406/409/465/466/468/477 (A) I.P.C. on the basis of the FIR dated 6th June, 2014 is pending against the petitioner

5. Be that as it may, notwithstanding the pendency of the criminal case and other proceedings, since the petitioner has superannuated he would necessarily be entitled to some payment as admissible under the rules.

6. In this view of the matter, at this stage it would suffice if the respondents are directed to take up the representation dated 22nd August, 2017 for consideration and to decide the same expeditiously preferably within a period of 2(two) months from the date of receipt of certified copy of this order.

7. With the above noted directions, the writ petition is accordingly disposed of.

JUDGE

Meghalaya



23.08.2019
"V. Lyndem PS"

