



Serial No. 09
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 538 of 2018

Date of order: 23.07.2019

Smt. Grishma Lama Vs. The Commissioner Custom & Central Excise & Ors.

Coram:

Hon'ble Mr. Justice Ajay Kumar Mittal, Chief Justice

Appearance:

For the Petitioner/Appellant(s) : Mr. S. Thapa, Adv.

For the Respondent(s) : Dr. N. Mozika, Sr. Adv. with
Ms. S.A. Shallam, Adv.

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

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

Oral:-

1. The petitioner who is the daughter of (Late) B.K. Lama has preferred the writ petition under Article 226 of the Constitution of India seeking the release of pensionary benefits of her deceased father (Late) B.K. Lama, who was working as a tax collector in the office of the Custom and Central Excise, presently known as Goods and Service Tax and Customs, Shillong Zone, Shillong.

2. It has been averred that the father of the petitioner (Late) B.K. Lama met with an untimely death while he was in service on 29.08.1999. As there was difference between the daughter-petitioner and the mother-respondent No. 5, the petitioner has approached this Court claiming the release of pension and pensionary benefits of her deceased father (Late) B.K. Lama.

3. During pendency of the writ petition, the matter was referred to the National Lok Adalat, which was held on 13.07.2019 in the premises of the



High Court of Meghalaya and a settlement under Section 21 of the Legal Services Authority Act, 1987 has been arrived at between the petitioner and respondent No. 5. A copy of the award has been placed on record. For facility of reference, the award is reproduced as under;

“The disputes between the parties having been referred for determination to the Lok Adalat and the parties having compromised/settled the case/matter, the following award is passed in terms of the settlements.

Parties agreed to settle the matter under the following conditions:-

- 1. GPF, Gratuity, Leave Encashment and Group Insurance be paid in full to the children of the deceased Shri B.K. Lama through the Petitioner.*
- 2. Arrear of Pension accrued be paid in the ratio of 50:50 to the children and wife till the month of June, 2019.*
- 3. Future Pension will be paid to wife. The wife undertake to transfer 50% of monthly pension to the children within 10 days from the date the amount being credited to her A/C by the Department.*
- 4. The wife and children will go to the concerned Bank for arrangement of future transaction for dividing the monthly Pension.*

Upon hearing both parties and upon perusal of the materials placed before this Lok Adalat, we are convinced that the settlement is fair, free from collusion, coercion, undue influence being just, fair and reasonable as per terms mentioned above.

The parties are informed that the Court fee, if any, paid by any of them shall be refunded.”

4. Learned Sr. Advocate Dr. N. Mozika appearing for respondent No. 1 states that respondent No. 1 has no objection to the release of the amount in terms of the award to the concerned parties.



5. Accordingly, as the matter has been amicably settled as per award dated 13.07.2019, the writ petition is disposed of with a direction that respondent No. 1 shall now release the pension, pensionary benefits along with arrears to the petitioner and respondent No. 5 in terms of the award passed by the National Lok Adalat and affirmed by this Court today on or before 30.09.2019.

(Ajay Kumar Mittal)
Chief Justice

Meghalaya
23.07.2019
"Sylvana PS"

