

THE HIGH COURT OF MEGHALAYA

W.P. (C) No.223/2014

Smti. Christine Dohling,
W/o (L) Henkho Thanga Gangte,
R/o Umpling, Shillong,
East Khasi Hills District, Meghalaya :::: Petitioner

- Vs -

1. The State of Meghalaya represented by its Chief Secretary.
2. The Accountant General (Pension), Govt. of Meghalaya, Shillong.
3. The Superintendent of Police, Ri Bhoi District, Nongpoh, Meghalaya.
4. Smti. Phultina Lapang,
R/o Phamalang, 17th Mile Byrnihat Area,
District Ri Bhoi, Meghalaya. :::: Respondents

BEFORE THE HON'BLE MR. JUSTICE T NANDAKUMAR SINGH

For the petitioner : Mr. KC Gautam, Adv,
For the respondents : Mr. KP Bhattacharjee, GA for respt.No.1&3
Mr. M Sharma, Adv for respt.No.4
None appears for respt.No.2
Date of hearing : **26.05.2015**
Date of Judgment : **26.05.2015**

JUDGMENT AND ORDER (ORAL)

Heard Mr. KC Gautam, learned counsel for the petitioner, Mr. KP Bhattacharjee, learned GA appearing for the respondents No.1 & 3 and Mr. M Sharma, learned counsel for the respondents No.4. None appears for the respondent No.2 inspite of proper service of notice of the present writ petition.

2. The fact sufficient for deciding the present writ petition is briefly noted. It is the case of the petitioner that the petitioner is the widow of (L) Henkho Thanga Gangte, who was working as Sub-Inspector of Police and died in a motor accident on 17.12.2010, while he was in service. It is also the further case of the petitioner that the petitioner is the legally married wife of (L) Henkho Thanga Gangte and out of their wedlock, four children were born, whose names and particulars are as follows:-

| <i>“Sl.No.</i> | <i>Name</i> | <i>Date of Birth</i> |
|----------------|-----------------------------------|----------------------|
| <i>1.</i> | <i>Mrs. Karen Dohling</i> | <i>29.01.1985</i> |
| <i>2.</i> | <i>Mr. Kevin Jeremiah Dohling</i> | <i>09.07.1987</i> |
| <i>3.</i> | <i>Miss. Esther Lydia Dohling</i> | <i>26.03.1991</i> |
| <i>4.</i> | <i>Miss Deborah Joy Dohling</i> | <i>26.10.1992”</i> |

3. After, the death of the petitioner’s husband, the petitioner through a letter dated 31.05.2011 requested the Superintendent of Police, Ri Bhoi District to furnish a detailed information with regard to the debts and securities so as to enable her to obtain a Succession Certificate from the competent court. After, getting full information regarding the debts and securities left by her late husband Henkho Thanga Gangte, the petitioner applied for a Succession Certificate in respect of the debts and securities left by her late husband Henkho Thanga Gangte in the court of the District Council Court, Shillong. The District Council Court, Shillong, after observing all legal formalities, issued a Succession Certificate dated 17.10.2011 to the petitioner for the debts and securities left by the petitioner’s husband. The petitioner later on got the information through an application under Right to Information Act, 2005 regarding the pensionary benefits and other benefits of her late husband Henkho Thanga Gangte but to her utter surprise and shock, she came to learn that the private respondent No.4 had already collected all the retirement benefits of (L) Henkho Thanga Gangte including Life

Insurance pension (MPSS), Leave Encashment and DCRG vide sanction order No. RBD/RE/PEN/2011/795-804 dated 11.03.2011. Hence the present writ petition for quashing the sanction order dated 11.03.2011.

4. The respondent No.4 had filed the affidavit-in-opposition wherein, it is stated that the respondent No.4 is the legally married wife of (L) Henkho Thanga Gangte and also a certificate for marriage of the respondent No.4 with (L) Henkho Thanga Gangte had been issued by the Marriage Officer, East Khasi Hills District on 05.07.2000. It is also stated in the affidavit-in-opposition filed by the respondent No.4 that the respondent No.4 married with (L) Henkho Thanga Gangte on 15.09.1991 and of their wedlock, five children were born whose names and particulars are as follows:-

| <i>“Sl.No.</i> | <i>Name of the Child</i> | <i>Date of Birth</i> |
|----------------|-------------------------------|----------------------|
| 1. | <i>Shri. Stony Lapang</i> | <i>07.05.1993</i> |
| 2. | <i>Smti. Sylvania Lapang</i> | <i>04.01.1995</i> |
| 3. | <i>Miss Sweety Lapang</i> | <i>20.09.1997</i> |
| 4. | <i>Miss Sophia Lapang</i> | <i>22.04.1999</i> |
| 5. | <i>Master Shailang Lapang</i> | <i>22.01.2000”</i> |

5. It is also stated in the affidavit-in-opposition filed by the respondent No.4 that the respondent No.4 had already filed the petition being No.774/2014 before the Judge, District Council Court for cancellation of the said Succession Certificate issued in favour of the petitioner. This fact is not disputed by Mr. KC Gautam, learned counsel for the petitioner. From this fact, it is clear that the parties are hotly contesting the said petition before the Judge, District Council Court.

6. On considering the submissions of the learned counsel appearing for the parties and also on perusal of the writ petition as well as the affidavit-in-opposition filed by the respondent No.4, this Court is of the

considered view that the matter in dispute between the parties i.e. as to who is the legally married wife of (L) Henkho Thanga Gangte is likely to be decided by the Judge, District Council Court in the said petition. In such circumstances, this writ petition is disposed of by directing the respondents No.2 & 3 not to release the family pension of (L) Henkho Thanga Gangte till the learned Judge, District Council Court finally decided the said application i.e. Petition No.774/2014. However, it is made clear that as soon as the said petition is finally decided by the learned Judge, District Council Court, liberty is granted to both the parties to bring this fact to the competent authority for releasing the family pension of (L) Henkho Thanga Gangte.

7. Writ petition is disposed of with the above directions.

JUDGE

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