

WP(C) No. 244 of 2016

**BEFORE
THE HON'BLE MR. JUSTICE, S.R. SEN**

30.11.2016

The matter came up for hearing.

2. Mr. S. Thapa, learned counsel for the petitioner as well as Mr. N. Mozika, learned counsel for the respondents No. 3 & 4 and Mr. K.P. Bhattacharjee, learned GA for the respondents No. 1 & 2 are present along with their respective parties i.e. Dr. W.E. Lyngdoh and the Director, Rajiv Gandhi Indian Institute of Management, Shillong who informed this Court that the matter has already been settled amicably between the parties outside the Court.

3. As per the settlement, the petitioner will resign from the post of Resident Medical Officer, RGIIM, Shillong with effect from 30th November, 2016 and will join her parent department i.e. Health and Family Welfare Department, Government of Meghalaya, Shillong after 30th November, 2016.

4. On enquiry from Dr. W.E. Lyngdoh, she said that she already had a discussion with the Government and the Government is ready to accept her, as such, she has no objection.

5. The parties also produced before this Court a Memorandum of Settlement which is reproduced herein below for ready reference:

"MEMORANDUM OF SETTLEMENT"

This Memorandum of Settlement is signed on this the 30th day of November, 2016 between Rajiv Gandhi Indian Institute of Management, Shillong represented by its Director, hereinafter, referred to as "RGIIM" or "the First Party" of the First Part; and Dr. Winnette Ebonnie Lyngdoh hereinafter referred to as "the Second Party" of the Other Part.

WHEREAS the Second Party was appointed as Resident Medical Officer with the First Party and the appointment was on probation for a period of one year.

Thereafter, a committee was constituted by RGIIM to assess the non-technical performance of the Second Party and based on the report of the said Committee, the First Party vide letter dated 29.08.2016 terminated the service of the Second Party with effect from 31st August 2016. The Second Party then approached the Hon'ble High Court of Meghalaya and the Hon'ble High Court was pleased to stay the said letter dated 29.08.2016 and the said case [W.P. (C) No. 244 of 2016] is pending adjudication.

AND WHEREAS on the intervention of the friends and well wishers, the parties have come to an amicable settlement.

***NOW THIS MEMORANDUM OF SETTLEMENT
WITNESSETH AS FOLLOWS:***

- 1. That the Second Party shall tender her resignation from the post of Resident Medical Officer, RGIIM, Shillong, with effect from 30th November 2016 (AN).*
- 2. That the Second Party who is on lien from Health and Family Welfare Department, Government of Meghalaya shall revert to her parent department after 30th November 2016.*
- 3. That the complaint dated 1st September 2016 submitted by the Second Party to the Chairperson, Meghalaya State Commission for Women shall also be treated as withdrawn.*
- 4. That the Termination Letter No. RGIIM/Estt/201/43/2016/226 dated 29th August 2016 shall stand withdrawn. The letter No. RGIIM/Estt/201/43/2016/227 dated 29th August 2016 issued by the First Party addressed to the Under Secretary, Health and Family Welfare Department, Government of Meghalaya for*

reversion of the petitioner to her parent department shall also stand withdrawn. The Report of the Committee constituted to assess the performance of the Second Party shall also be treated as null and void.

- 5. That the Second Party shall vacate the residential quarter allotted to her within a period of 15 days from today. The Second Party shall also hand over all equipment etc belonging to RGIIM in her possession to RGIIM within 15 days from today.*
- 6. That the First Party shall pay salary for the month of December 2016 to the Second Party being the salary for one month's notice period.*
- 7. That the First Party shall also settle and pay all the outstanding amounts due to the Second Party (including the salary for the month of December 2016 and medical bills etc, as admissible under the rules) within a period of 5 days from today.*
- 8. That, in view of the above, the Second Party does not wish to pursue the case being W.P. (C) No. 244 of 2016 pending before the Hon'ble High Court of Meghalaya.*
- 9. That the parties shall submit a copy of this Memorandum of Settlement before the Hon'ble High Court of Meghalaya and shall pray the Hon'ble High Court to close the aforesaid W.P. (C) No. 244 of 2016 in terms of this Memorandum of Settlement.*

IN WITNESS WHEREOF, the parties hereto set and subscribe their respective hands at Shillong the day, month and year first above written.

WITNESSES:

1.

*Sd/-
Director
Rajiv Gandhi Indian Institute of Management,
Shillong
(FIRST PARTY)*

2.

*Sd/-
Dr. Winnette Ebonnie Lyngdoh
(SECOND PARTY)"*

6. Since the parties have settled their matter amicably, the terms and conditions laid down in the Memorandum of Settlement should be followed strictly between the parties.

7. The interim order dated 31.08.2016 passed by this Court is hereby vacated and withdrawn.

8. With this observation and direction the matter stands disposed of.

9. No order as to costs.

JUDGE

D. Nary