

WP(C) No. 321 of 2018

Date of order: 27.09.2018

Smt. Pretilla M. Sangma Vs. State of Meghalaya & Ors.

Coram:

Hon'ble Mr. Justice Mohammad Yaqoob Mir, Chief Justice

Appearance:

For the Petitioner/Appellant(s) : Mr. P.T. Sangma, Adv.

For the Respondent(s) : Ms. S.G. Momin, Addl. Sr. GA

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

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

Oral:-

1. The case set up by the petitioner is that her father Late Probin D. Shira, who was a constable on reaching superannuation, has retired in the year 1991, pension was sanctioned in his favour. He expired on 09.12.2009.

2. After the death of the said constable his wife (widow) namely Bina M. Sangma had represented for grant of family pension which initially was not granted but finally the sanction order has been sent by the AG's Office to the Superintendent of Police, East Garo Hills, Williamnagar suggesting withdrawal of family pension w.e.f. 10.12.2009 to 17.04.2017.

3. The widow has also expired on 17.05.2017. Now, the petitioner (daughter) claimed grant of family pension which was not responded, hence the instant petition.

4. Learned counsel for the petitioner for justifying the maintainability of this petition, referred to amended Rule 48 of the Meghalaya Civil Services (Pension) Rules notified vide No. FEM(PC)-47/2010/22 dated 04.11.2010 issued by Finance (Pension Cell) Department, Government of Meghalaya. In terms whereof, son/daughter including widowed daughter up to the date of his/her marriage/remarriage or till the date he/she starts

earning or till the age of twenty five years of age, whichever is earlier has been included in the family for the purpose of pension.

5. The first question as to whether after the death of the widow, the petitioner daughter can claim family pension pales into insignificance because she otherwise is not eligible.

6. In the petition at paragraph 13 she has admitted that she is facing hardship to maintain herself and her three children, which in turn would suggest not is she married but also is above the age of twenty-five years. As per Rule 48 aforesaid, she being married automatically stand excluded from claiming the family pension. Therefore, petition is not worth to be entertained, accordingly dismissed.

Meghalaya
27.09.2018
"Sylvana PS"



(Mohammad Yaqoob Mir)
Chief Justice