

**Serial No. 10**  
**Regular List**

**HIGH COURT OF MEGHALAYA**  
**AT SHILLONG**

WP(C) No. 30 of 2017

Date of Decision: 24.10.2019

Smti. Laxmi Kaur Vs. Cantonment Board, Shillong

**Coram:**

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

**Appearance:**

For the Petitioner(s)/Appellant(s) : Mr. A.S. Siddiqui, Adv.  
For the Respondent(s) : Mr. S.P. Mahanta, Sr. Adv. with  
Mr. D. Dkhar, Adv.

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

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

**ORAL**

1. The brief facts of the case is that the petitioner's father-in-law was serving under the respondent and had died in harness. Thereafter, the petitioner's husband was employed as Safaiwala as a fourth-grade employee under the provisions of the Cantonment Fund Servant Rules, 1937 on 04.06.1996. The petitioner's husband while in service expired on 30.08.2005.

The pleaded case of the petitioner is that on the death of her husband, she had approached the respondent and submitted an application dated 15.04.2006 for release of the terminal benefits and family pension of the deceased husband and also for consideration of her appointment on compassionate ground. However, the same not having been released nor she considered for appointment on compassionate ground, she is before this Court by way of this instant writ petition.

2. Mr. A.S. Siddiqui, learned counsel on behalf of the petitioner submits

that the petitioner had been waiting for seven long years and had also submitted a reminder requesting the respondent to release the dues of her late husband and also to consider the application for appointment to compassionate ground.

3. Mr. S.P. Mahanta, learned Sr. counsel assisted by Mr. D. Dkhar, learned counsel on behalf of the respondent submits that financial benefits were paid to the petitioner. As such, the GPF of Rs. 11,718/- was paid on 12.07.2006 and also the leave encashment of Rs. 24,139/- was paid to the petitioner, but however with regards to the family pension, he submits that the petitioner's husband is governed under the provision of CFSR, 1937 and since he was not confirmed as a permanent employee of the Board under Rule 31 of CFSR, 1937, the petitioner's husband was not entitled to any pensionary benefits.

However, today the learned Sr. counsel submits that the respondent will re-consider the entitlement of the writ petitioner with regard to gratuity, family pension and also the prayer for compassionate appointment admissible as per the relevant rules.

4. Learned counsel for the petitioner has no objection to the said proposal as advanced by the learned Sr. counsel for the respondent. As such, prays that the matter may be closed with a direction to the respondent to consider the same expeditiously.

5. In consideration of the submissions of the learned counsels for the parties and on examination of the materials on record, it is directed that the respondent shall consider the entitlement of the writ petitioner as per the CFSR, 1937 for payment of gratuity and family pension for the services rendered by the deceased husband and also shall consider her candidature for appointment on compassionate ground. The same shall be done within a period of 3(three) months from the date of receipt of a copy of this order.

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

**Judge**

Meghalaya  
24.10.2019  
"D. Nary, PS"

