

Serial No. 30
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 384 of 2020

Date of Decision: 28.07.2022

Smti Plisdora Jana

Vs.

State of Meghalaya & Ors.

Coram:

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

Appearance:

For the Petitioner(s) : Mr. M.F. Qureshi, Adv.

For the Respondent(s) : Mr. A.H. Hazarika, GA (For R 1-4)
Mr. E. Nongbri, Adv. (For R 5)

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| i) | Whether approved for reporting in Law journals etc: | Yes/No |
| ii) | Whether approved for publication in press: | Yes/No |

JUDGMENT AND ORDER (ORAL)

1. The petitioner who is stated to be the widow of (L) Boysing Dhar who expired on 30.09.2020 is before this Court seeking directions with regard to payment of family pension in her favour by the respondents.

2. It is contended that the petitioner has been compelled to approach this Court, in view of the fact that even the death certificate of the deceased was not issued to her, in spite of her request.

3. The State respondents in reply by way of an affidavit have made averments at Para-5, that the petitioner's name does not find place in the service records of the deceased employee, and in fact the name of the respondent No. 5, one Smti Darimon Sariang has been entered in the service records of the deceased employee. Reference has also been made to the marriage certificate dated 05.10.2018 and the order of divorce dated 04.07.2017, which have been annexed to the affidavit.

4. Mr. M.F. Qureshi, learned counsel for the petitioner, however submits that the petitioner has six children from the deceased employee, and at least these offspring are entitled to some reliefs.

5. This fact is disputed by Mr. E. Nongbri, learned counsel for the respondent No. 5 who while referring to the birth certificates of the children of the petitioner annexed to the writ petition, submits that the name of (L) Boysing Dhar is not indicated or mentioned to be the father of these children in any of them.

6. I have heard learned counsel for the parties.

7. On perusal of the materials on record and also the affidavit, it appears that disputed questions facts have been raised, which cannot be gone into in a proceeding under Article 226.

8. For these reasons, this writ petition is held to be not maintainable and the same is closed, leaving the petitioner to seek appropriate remedy before a competent Civil Court.

9. The matter is accordingly disposed of.

JUDGE

Meghalaya
28.07.2022
"V. Lyndem-PS"

