

**Serial No.18**  
**Regular List**

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

WP(C). No. 184 of 2023

Date of Decision :31.05.2024

Shri. Sapin Ch. Barman,  
S/o (L) Lake Ram Barman,  
R/O Jowai, West Jaintia Hills District,  
Meghalaya.

...Petitioner

-Versus-

1. State of Meghalaya  
Represented by the Chief Secretary,  
Government of Meghalaya, Shillong.
2. Chief Engineer, PWD (Roads),  
Meghalaya, Shillong.
3. Executive Engineer PWD (Roads),  
South Jowai Division, Jowai.
4. Sankari Barman,  
W/o Shri. Sapin Ch. Barman,  
R/o Rilbong, Shillong.

...Respondents

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**Coram:**

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

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**Appearance:**

For the Petitioner/Appellant(s) : Mr. H.R.Nath, Adv.  
Ms. B.Sun, Adv.

For the Respondent(s) : Mr. S.A.Sheikh, GA for R 1-3.  
Mr. B.R.Bhowmick, Adv. for R 4.

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| i)  | Whether approved for reporting in<br>Law journals etc: | Yes/No |
| ii) | Whether approved for publication<br>in press:          | Yes/No |
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**JUDGMENT AND ORDER (ORAL)**

1. The writ petitioner is before this Court praying for directions for release of the outstanding terminal benefits and pension as permissible, which he alleges has not been released after his retirement on 30-11-2022.

2. The brief facts of the case are that the petitioner, who was serving as a Roller Driver in the office of respondent No. 3, had retired on the above noted date, but the pension was not released to him by the respondents for the reasons that the respondent No. 4, who is stated to be his wife, had filed a representation before the said respondent. The representation was with a prayer that a part of the pension be released to her as she is the legally wedded wife, and it appears that on this said representation, and on the nomination of the petitioner the names of his second wife and children subsequently, the pension was not released by the respondent No.3.

3. Mr. H.R.Nath, learned counsel for the petitioner has very fairly submitted that indeed the respondent No. 4 is his legally wedded wife, out of which union, two daughters were born and that initially they were entered as nominees in his service book. He further submits that on his

contracting a second marriage, he had sought to change the nominees and entered the names of his second wife and two children in the service book. It is submitted by the learned counsel that notwithstanding the entries in the service book, pension should not to be denied, inasmuch as, he is still alive and no dispute has arisen presently. He therefore, prays that the respondents be directed to forthwith process the preparation of his pension papers and for release of his pension.

**4.** Mr. S.A.Sheikh, learned GA appearing for the respondent Nos. 1, 2 & 3, has submitted that the fact that the writ petitioner has entered two different sets of nominees in the service book has caused the Department to keep the release of his pension in abeyance, until the same is resolved by the writ petitioner himself. He further submits that if the nominees are confined to the first set of nominees, there is no impediment for the Department to process and release the pension of the writ petitioner. He submits that the second set of nominees is without any proof that there is a legal marriage with the second wife, and a divorce from his first wife.

**5.** Mr. B.R.Bhowmick, learned counsel appearing for the respondent No. 4 has endorsed and supported the submissions made by the learned GA, and submits that earlier on, the writ petitioner had afforded her maintenance of ₹10,000/- per month, which was subsequently stopped on his retirement. He therefore, prays that if any orders are passed, that the

respondent No. 4 should not be left out of contention, inasmuch as, she is entitled to a share of the family pension.

6. Having heard learned counsel for the parties and examined the materials as placed, it is seen that it is indeed a peculiar case, as the writ petitioner by entering the second set of nominees into the service book, if the same is processed will effectively deprive the legally wedded wife and the minor children, if any, of any family pension on his demise. Further, as submitted, the respondent No. 4 is still the legally wedded wife of the writ petitioner and as such, cannot be deprived of any family pension on his demise. In these circumstances therefore, pending any further development or events, the respondent No. 3 is to take into account the respondent No. 4 and her daughters, and the daughters from the second union, to be the nominees for family pension in the event of the demise of the writ petitioner.

7. Accordingly, this matter is disposed of with a direction that the respondent No. 3 process the pension papers for release of pension and terminal benefits of the writ petitioner, and it is made clear that before such release of monthly pension, the consideration of the maintenance amount to the respondent No. 4 as well as her children should be taken into consideration as per direction of the Maintenance Court.

**8.** This order is being passed in order to enable the writ petitioner to avoid financial difficulties, and that he may provide maintenance to all who are dependent upon him.

**9.** With regard to other disputes between the parties, the Court leaves it open for them to address the same before any appropriate forum.

**10.** With the above directions, matter stands closed and disposed of.

**Judge**

Meghalaya  
31.05.2024  
"Samantha PS"